

DEPARTMENT OF DEFENSE  
APPROPRIATIONS ACT, 1996

The PRESIDING OFFICER. The clerk will report S. 1087.

The bill clerk read as follows:

A bill (S. 1087) making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Alaska.

## PRIVILEGE OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that the following individuals be given privilege of the floor during consideration of this bill: Susan Hogan, Sujata Millick, and Joe Fengler.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUE. Will the Senator yield?

Mr. STEVENS. Yes, I yield.

Mr. INOUE. I ask my colleague to add Bobby Scherb and Ryan Henry to that list.

Mr. STEVENS. I so ask, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President we are now going to begin consideration of what I hope will be the last bill before the recess, assuming that we take up and pass the authorization bill first, and we are prepared to yield at any time to the committee when they are here with a time agreement to finish their bill.

This is the 1996 Department of Defense appropriations bill. The Senate should be aware that we are moving quickly this year on this bill. The House has just started their consideration of the bill and will complete their action when they return in September.

In the Senate, as I have just mentioned, the negotiations on the authorization bill are continuing, but this bill before the Senate now is an original bill. We have to take this procedure. It is somewhat unusual. But that is to enable us to move this bill so it will be ready to pass on to the President before the end of the fiscal year.

We have sought to accommodate to the maximum extent possible the initiatives that have been recommended by the Armed Services Committee in their bill as reported. We have faced a more difficult challenge, though, than any of the other three committees that deal with defense matters in the Congress. We are subject to the budget resolution to an extent that does not apply to the other three. The 602(b) allocation for this bill provided \$1.4 billion less in new budget authority than was available to the House, and I am sure that the Senate realizes we are subject to a point of order in complying with section 602(b) allocations,

that the point of order does not lie against any bill other than ours.

Compared to the amounts authorized, our allocation is nearly \$1 billion less than the amount that was reported by the Armed Services Committee. As a result, there are many matters that were brought before us, requested by Members in particular, that we simply could not accommodate. If there is some reallocation of budget authority as we go through conference, we will, of course, work very hard to address those matters that cannot be considered today.

This bill and the committee report have been available to all Members of the Senate since July 31. Every Member has had full opportunity to review the matters in the bill, and I personally have spoken with many Members of the Senate on specific matters and answered many inquiries that were delivered to us in writing. Those were answered in writing. Senator INOUE and I worked very closely during the consideration of this bill, as we have since we first began our partnership in considering this matter as either chairman or ranking member. We have each served in both capacities.

We have jointly proposed a package of managers' amendments that will modify the bill to reflect many of the actions that have been taken to adjust the authorized accounts, and we will offer that package at a later time.

However, all budget authority and outlays under our allocation have been consumed. Let me repeat that. We do not have room for any additional budget authority amendments or allocations which will lead to outlays. All funding amendments presented to this bill will require offsets.

Mr. President, this bill does not contain the legislative initiatives that are included in the authorization bill. The legislation that is here before us now is an appropriations bill. After discussions with the ranking member and the leaders, it is our intention to move to table legislative amendments that are presented to this bill. The Defense authorization bill should be completed, as I indicated, hopefully, before we vote final passage on this bill. And the State Department authorization bill will come back to the Senate after the recess. We do not want legislative matters pertaining to those two bills to be considered in connection with this bill. In conference, we are going to have the most difficult time we have ever had. We do not need to try to carry to our conference on appropriations the disputes that pertain to the authorization bills for the Department of Defense and Department of State.

We hope we can preserve, incidentally, as much of the recess as possible. I am very hopeful we will finish this bill tomorrow so that I can be on a plane joining my family in Alaska tomorrow night. However, I wish to tell the Senate I am prepared to stay here into next week if it is necessary. I do not believe in letting an appropriations

bill for defense just hang over the recess. We are prepared to finish this bill. The leader has indicated that he wants to have this bill finished, and I urge the Members of the Senate to accommodate us and help us get this bill finished.

There is just no reason to repeat the debates on amendments that were offered to the authorization bill just this last week or amendments that are still in off-the-floor conferences that are being carried on on the authorization bill.

I urge every Member of the Senate to be considerate about others now as we consider this bill and try to get it finished in order that we may all get on our airplanes or in our automobiles, for those who are lucky enough to be able to drive home, and enjoy part of August, as we should have been there last week as a matter of fact.

Now, Mr. President, title 1 of this bill recommends \$68.881 billion to fully fund the authorized active duty end-strength and the proposed military pay raise.

The recommendation also fully funds the authorized increases in the basic allowance for quarters. There is an additional \$100 million to address increased overseas-station allowance costs faced by military families deployed overseas because of the fluctuation in the value of the dollar.

For operation and maintenance activities, the recommendation provides \$79.930 billion, fully funding the proposed OPTEMPO for military training and readiness.

There are no funds in this bill for contingency operations such as Bosnia. The House bill, as reported, does provide funding for operations such as Iraq. That issue will be considered in conference again depending on how we handle the allocation, but there is just not money available for those contingencies at this time in our consideration.

We do fully fund the proposed civilian personnel pay raise that was recommended in the budget by the President.

To authorize the shortfall and inadequate stock of barracks housing for single military personnel, our committee recommends an increase of \$322 million for the renovation and refurbishment of existing barracks. This is only a downpayment, Mr. President. It will permit the services to make progress on one of the key quality-of-life issues that we have discussed with the Joint Chiefs of Staff.

The bill also addresses several critical National Guard priorities. Full funding and legislative direction is provided to sustain the Air National Guard Tactical Fighter Force at 15 aircraft per squadron. A floor is set for civilian technicians, to maintain readiness support for the Guard. I point out to the Senate how much the Guard is involved in an active-duty partnership now in many areas throughout the world, including training in our own country.

There is \$100 million added for Army Guard operations and maintenance, to address partially the severe backlog in real property maintenance at Guard facilities and installations.

Our bill provides an additional \$5.8 billion for procurement, to sustain critical modernization programs.

The committee based these decisions on the guidance provided, once again, by the military service chiefs. We sought to follow closely their recommendations and the recommendations given to us by the Armed Services Committee.

Mr. President, \$777 million is the authorized level provided for National Guard equipment. We have no specific earmarks. The bill language is included mandating that the Reserve and Guard component chiefs report their modernization priorities by December 1, 1995. We believe that the chiefs should make that allocation of these funds.

The recommendation fully funds the ballistic missile defense initiative reported by the Armed Services Committee. And an additional \$600 million is included.

Mr. President, \$300 million is provided to accelerated development and deployment of a national missile defense system. These are two of the items currently being discussed off the floor by the authorization committee.

An additional \$200 million is recommended to restore funds cut in the budget to continue the development of the F-22 for the Air Force.

To address medical research priorities, \$100 million is recommended for the Department of Defense research on breast cancer. These funds are to be available only for use to address the needs of military medical beneficiaries.

Under the terms of the budget resolution conference, defense appropriations must relate to defense functions. We believe there are a great many women and women dependents in the military, and there is adequate reason to provide this money to the Department of Defense to continue their initiatives with regard to breast cancer. The House has structured their breast cancer initiative differently. Of course, that matter will be discussed in conference.

Again, I have mentioned my good friend from Hawaii, Senator INOUE. The Senate should know that this bill reflects our joint views, as you will hear shortly. We continue to work closely on a strictly—not even bipartisan—nonpartisan basis. We see matters of defense I believe from the same point of view, from the point of view of those who served in World War II, Mr. President. And having that background, we are trying to maintain our military to meet the needs of the future.

Again, I want to commend my good friend, who is our cochairman. We have both been chairman, and at times we forget who is chairman. I think that is the best way to run this subcommittee that deals so much with the needs of the military services and the men and

women who serve us in the Armed Forces.

We can, I think, complete this bill today with the cooperation of the Members of the Senate. We have already heard of several of the amendments that are coming. I personally discussed with those Members the opportunity to have a time agreement in advance so that the Senate will know how long we will take on these amendments, and if possible we will stack some of these amendments so we can have as much opportunity to not require Members to come back and forth to the floor so often.

We will have several votes on this bill today, however, Mr. President. We hope to accommodate Members of the Senate, and urge their cooperation with us.

Now, Mr. President, I yield the floor to my good friend from Hawaii.

Mr. INOUE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, let me first begin by congratulating my subcommittee chairman, Senator STEVENS, for recommending this bill to the Senate. And I would like to also thank my colleague from Alaska for his very generous comments.

The bill that is now being presented to the Senate by the Appropriations Committee will protect critical military readiness programs. We hear much about readiness. This bill addresses that. It will fully fund the needs of our men and women in uniform and also provide a much needed increase in the modernization of our forces.

In the long tradition of the Appropriations Committee, this bill was crafted in a bipartisan, or as the chairman has noted, a nonpartisan manner. I have had the privilege of working closely with Chairman STEVENS in formulating this bill, as we have in the past. In some areas, the committee was constrained by authorization limitations which caused Chairman STEVENS and I to recommend less than some of our colleagues might have wanted for certain programs such as defense conversion, the *Seawolf* submarine, or the B-2 bomber. But the chairman and I agreed that we would live within the limitations recommended by the Armed Services Committee.

Mr. President, I want to point out to my colleagues on this side of the aisle that this bill provides no policy statement on the ABM Treaty. I think that should be repeated. This bill does not contain any language or any policy statement on the ABM Treaty, nor does it have any limitation on the President of the United States in foreign affairs, and no other major policy issues.

Adhering strictly to the rules of the Senate, this bill addresses spending priorities, not legislation. In fact, my colleagues should know that the chairman stripped 90 legislative provisions from the defense bill that was passed by this body last year. This is a very clear bill,

a very clean bill, which addresses the spending needs of the Defense Department. And, Mr. President, I am proud to support it.

The bill before the Senate provides nearly \$80 billion for operations and maintenance to protect the readiness of our forces. It supports the military personnel levels requested by the President. It funds a 2.4-percent pay raise for our military personnel and increases their basic allowance substantially—all consistent with authorization recommendations. The bill also raises procurement spending by nearly \$6 billion, up to \$44.5 billion.

To those who suggest that the bill provides too much for modernization, I note that even with these increases, we are still spending less than half of the amount the Senate recommended for procurement 10 years ago. I might add that Chairman STEVENS and I asked each of the military Chiefs of Staff to meet with the Defense Subcommittee to review the needs of their respective services.

The recommendations for procurement spending matched these requirements.

The bill funds a very robust ballistic missile defense program, adding \$300 million for national missile defense research and development. While some might disagree with this recommendation, it is the same amount already approved by the Senate; and it is \$150 million less than recommended by the House. Research and development spending in total will increase by more than \$1 billion compared to the present request.

Mr. President, I believe it is essential that we invest in the readiness, quality-of-life, and modernization programs funded by this bill.

As my colleagues know very well, only a very small percentage of Americans served in the military. Less than 1 percent of us have come forward to say that they are willing to stand in harm's way for the Nation. And so I believe it is our responsibility to make certain that we provide these dedicated men and women fair pay, decent living conditions, and the best equipment available. Those who choose to serve are our best deterrent of war and the means if necessary to defeat any adversary and safeguard our freedoms. And so we must support their needs, and I believe that this measure does just that.

Mr. President, may I repeat that I am in full support of this legislation. It is a good, a fair, and a very important bill, and so I encourage all of my colleagues to support it.

One of the major issues in this measure will be the increases that this committee has recommended in procurement. Yes, these are some programs that were not requested officially by the President of the United States, but these decisions were reached as a result of our consultation with the senior military officers and the senior civilians responsible for our defense.

For example, we have added two DDG-51 destroyers at a cost of \$1.4 billion. The question may be asked, Why did we do this? The President's program calls for four destroyers. However, it calls for two at this moment and two at a later time, about 3 years from now. If we followed the administration's recommendation, that amount, \$1.4 billion, would be increased by nearly \$400 million. We can get a better deal by purchasing four at this time.

There is another large item, the LHD-7 amphibious assault ship. It is \$1.3 billion—a whole lot of money—but even this is in the program that the Defense Department has.

We have decided to procure these items at this moment and not at a later date so that we can avoid the peaks and valleys that we usually experience. We have tried to level off our spending programs so that we will not be faced suddenly 2 years from now with a huge peak and then 2 years after that with a valley.

We have added, as the chairman noted, \$777 million for National Guard equipment. These are requested by the adjutants general of the 50 States. Yes, there was a time when National Guard troops were riot-control experts, or they filled sandbags for flood control, they did civilian work. But today, as they did in Desert Storm, we have men piloting aircraft in the Bosnia theater. In Desert Storm, there were thousands of National Guard officers, men and women. So they are no longer local troops that take part in our national endeavors.

We also added 12 F/A-18 Navy fighters, \$487 million. This is beyond the President's request, but here again, the President's program, the Defense Department program, calls for the acquisition of these aircraft at a later date. And if you want to have a better contract deal, now is the time to purchase this.

There is \$300 million for Coast Guard. The Coast Guard has now gone beyond just guarding our coast. They have participated in Bosnia, and they still do; they participated in Desert Storm, and on top of that, we have directed the Coast Guard to conduct certain missions that were not heretofore part of their responsibility. They have a major responsibility in drug interdiction. The Coast Guard account, which is in the Treasury account, is not quite sufficient to meet all the payments, so we decided in the defense bill, because it is true defense work, to pick up part of the tab.

We are appropriating \$241 million to purchase a WC-130 Hurricane aircraft. I hope that my colleagues will be able to convince our friends who live in Alabama, Georgia, North Carolina, South Carolina, Florida, Louisiana, and Texas that this aircraft is not necessary. This is the aircraft that gives citizens of these areas advance notice that something horrendous is coming along. Yes, it is expensive, but we need this aircraft.

The Army asked for one thing. It was not in the President's request: Comanche, \$174 million. This is a helicopter program.

What I have listed represents about 6 billion dollars' worth. Mr. President, if my colleagues carefully study what we have done, I am certain they will go along with the subcommittee. This is not fat, this is not pork, and if I may be a bit parochial and personal about this, none of these items are purchased in Alaska or Hawaii. We do not have the plants that build the fighter planes. We do not have the plants and the shipyards that build these ships and destroyers. The chairman and I believe that this equipment is absolutely essential at this time if we are to modernize our forces and to present to them the best we can in equipment.

If these men, representing less than 1 percent of our population, are willing to step forward and say to us, "We are willing to risk our lives and shed our blood for you," the least we can do is to provide them with the best protection. This will do it.

So, Mr. President, I hope that my colleagues on both sides of the aisle will go along with the recommendations that Senator STEVENS and I are now presenting.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENTS NOS. 2350 THROUGH 2362, EN BLOC

Mr. STEVENS. Mr. President, I send to the desk a series of amendments that are technical, conforming and incidental. One is on Corps SAM; one LMT; one a study amendment; there is a pentaborane amendment; BIC; Hydra-70; the JTF; JAMIP; troops to cops; troops to teachers; energy savings; and the helicopter conversion amendment.

These have been examined by Senator INOUE and by myself. I ask unanimous consent that it be in order that they be offered en bloc and adopted en bloc, and with a paragraph before each one explaining the action we have taken. These are to conform, basically, with the authorization bill request of Members or amendments that have been adopted each time we brought the bill to the floor.

May I state for the record that both our staffs, and both of us, have studied these amendments very carefully, and we have no objection.

The PRESIDING OFFICER. The clerk will report the amendments en bloc.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments numbered 2350 through 2362, en bloc.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 2350

On page 29, before the period on line 13, insert: "Provided further, That of the funds

appropriated in this paragraph, \$35,000,000 shall be available for the Corps Surface-to-Air Missile (Corps SAM) program".

AMENDMENT NO. 2351

On page 29, before the period on line 13, insert: "Provided further, That of the funds appropriated in this paragraph, \$3,000,000 shall be available for the Large Millimeter Telescope project".

AMENDMENT NO. 2352

On page 29, before the period on line 13, insert: "Provided, That of the funds appropriated in this paragraph, not more than \$48,505,000 shall be available for the Strategic Environmental Research Program program element activities and not more than \$34,302,000 shall be available for Technical Studies, Support and Analysis program element activities".

AMENDMENT NO. 2353

(Purpose: To place a condition on the use of funds for destruction of certain pentaborane)

At the appropriate place in the bill add the following:

SEC. .

None of the funds appropriated or otherwise made available under this Act may be used for the destruction of pentaborane currently stored at Edwards Air Force Base, California, until the Secretary of Energy certifies to the congressional defense committees that the Secretary does not intend to use the pentaborane or the by-products of such destruction at the Idaho National Engineering Laboratory for—

(1) environmental remediation of high level, liquid radioactive waste; or

(2) as a source of raw materials for boron drugs for Boron Neutron Capture Therapy.

Mr. KEMPTHORNE. Mr. President, I want to thank the distinguished managers of the bill for including my amendment on pentaborane into the managers' amendment. My amendment will prohibit the Department of Defense from destroying a material, known as pentaborane, until the Secretary of Energy certifies that the material will not be used by the Idaho National Engineering Laboratory for remediation of high level, liquid radioactive waste or as a source for boron drugs for the boron neutron capture therapy.

I am told that it will cost the Air Force a little more than \$1 million to maintain the pentaborane material for 1 more year while the scientists and experts at the Idaho National Engineering Laboratory determine if this material can be used effectively in waste management or boron neutron capture therapy.

The energy and water appropriations bill passed by the Senate includes \$1 million for the Idaho National Engineering Laboratory to make its assessment of the use of pentaborane. At present, the Air Force considers pentaborane a waste. My amendment directs the Air Force to maintain this material for 1 more year while pentaborane's possible uses by the Department of Energy are assessed.

I want to once again thank the managers of the bill, the senior Senator

from Alaska, Chairman STEVENS and the senior Senator from Hawaii, Senator INOUE, for their consideration of my amendment.

## AMENDMENT NO. 2354

On page 29, before the period on line 13, insert: “: *Provided further*, That of the \$475,470,000 appropriated in this paragraph for the Other Theater Missile Defense, up to \$25,000,000 may be available for the operation of the Battlefield Integration Center”.

## AMENDMENT NO. 2355

On page 28, before the period on line 4, insert: “: *Provided*, That of the funds appropriated in this paragraph for the Other Missile Product Improvement Program program element, \$10,000,000 is provided only for the full qualification and operational platform certification of Non-Developmental Item (NDI) composite 2.75 inch rocket motors and composite propellant pursuant to the initiation of a Product Improvement Program (PIP) for the Hydra-70 rocket”.

## AMENDMENT NO. 2356

(Purpose: To make funds available for the Life Science Equipment Laboratory, Kelly Air Force Base, Texas, for support of the Joint Task Force—Full Accounting)

On page 8, line 13, strike out “Act.” and insert in lieu thereof “Act: *Provided further*, That of the funds provided under this heading, \$500,000 shall be available for the Life Sciences Equipment Laboratory, Kelly Air Force Base, Texas, for work in support of the Joint Task Force—Full Accounting.”.

## AMENDMENT NO. 2357

On page 11, before the period on line 9, insert: “: *Provided further*, That of the funds appropriated in this paragraph, \$11,200,000 shall be available for the Joint Analytic Model Improvement Program”.

## AMENDMENT NO. 2358

On page 11, before the period on line 9, insert: “: *Provided further*, That of the funds appropriated in this paragraph, \$10,000,000 shall be available for the Troops-to-Cops program”.

## AMENDMENT NO. 2359

On page 11, before the period on line 9, insert: “: *Provided further*, That of the funds provided under this heading, \$42,000,000 shall be available for the Troops-to-Teachers program”.

## AMENDMENT NO. 2360

On page 82, between lines 11 and 12, insert the following:

SEC. 8087. (a) ENERGY SAVINGS AT FEDERAL FACILITIES.—The head of each agency for which funds are made available under this Act shall take all actions necessary to achieve during fiscal year 1996 a 5 percent reduction, from fiscal year 1995 levels, in the energy costs of the facilities used by the agency.

(b) USE OF COST SAVINGS.—An amount equal to the amount of cost savings realized by an agency under subsection (a) shall remain available for obligation through the end of fiscal year 1997, without further authorization or appropriation, as follows:

(1) CONSERVATION MEASURES.—Fifty percent of the amount shall remain available for the implementation of additional energy conservation measures and for water conservation measures at such facilities used by the agency as are designated by the head of the agency.

(2) OTHER PURPOSES.—Fifty percent of the amount shall remain available for use by the

agency for such purposes as are designated by the head of the agency, consistent with applicable law.

## (c) REPORT.—

(1) IN GENERAL.—Not later than December 31, 1996, the head of each agency described in subsection (a) shall submit a report to Congress specifying the results of the actions taken under subsection (a) and providing any recommendations concerning how to further reduce energy costs and energy consumption in the future.

## (2) CONTENTS.—Each report shall—

(A) specify the total energy costs of the facilities used by the agency;

(B) identify the reductions achieved; and

(C) specify the actions that resulted in the reductions.

Mr. BINGAMAN. Mr. President, I rise today to commend the two floor managers of the bill, the distinguished Senator from Alaska, Senator STEVENS, and the distinguished Senator from Hawaii, Senator INOUE, and their staff, for their management of the Fiscal Year 1996 Appropriations Act for the Department of Defense.

I would like to take a few moments to discuss an amendment I have proposed, which has been cleared by both sides. My amendment encourages agencies funded under the bill to become more energy efficient and directs them to reduce facility energy costs by 5 percent. The agencies will report to the Congress at the end of the year on their efforts to conserve energy and will make recommendations for further conservation efforts. I have offered this amendment to every appropriations bill that has come before the Senate this year, and it has been accepted to each one.

I believe this is a common-sense amendment: the Federal Government spends nearly \$4 billion annually to heat, cool, and power its 500,000 buildings. The Office Technology Assistance and the Alliance to Save Energy, a nonprofit group which I chair with Senator JEFFORDS, estimate that Federal agencies could save \$1 billion annually if they would make an effort to become more energy efficient and conserve energy.

Mr. President, I hope this amendment will encourage agencies to use new energy savings technologies when making building improvements in insulation, building controls, lighting, heating, and air conditioning. The Department of Energy has made available for governmentwide agency use streamlined “energy saving performance contracts” procedures, modeled after private sector initiatives. Unfortunately, most agencies have made little progress in this area. This amendment is an attempt to get Federal agencies to devote more attention to energy efficiency, with the goal of lowering overall costs and conserving energy.

As I mentioned, Mr. President, this amendment has been accepted to every appropriations bill the Senate has passed this year. I am pleased my colleagues support it, and again, I thank the floor managers for their assistance. Thank you.

## AMENDMENT NO. 2361

(Purpose: To revise the availability of funds for loan guarantees for the defense dual-use assistance extension program)

On page 29, strike out the period at the end of line 13 and insert in lieu thereof “: *Provided*, That the funds made available under the second proviso under this heading in Public Law 103-335 (108 Stat. 2613) shall also be available to cover the reasonable costs of the administration of loan guarantees referred to in that proviso and shall be available to cover such costs of administration and the costs of such loan guarantees until September 30, 1998.”.

## AMENDMENT NO. 2362

(Purpose: To make \$5,000,000 available for conversion of surplus Department of Defense helicopters for procurement by State and local law enforcement agencies for counter-drug activities)

On page 32, line 19, strike out “*Provided*,” and insert in lieu thereof “*Provided*, That of the funds provided under this heading, \$5,000,000 shall be available for conversion of surplus helicopters of the Department of Defense for procurement by State and local governments for counter-drug activities: *Provided further*,”.

The PRESIDING OFFICER. If there is no objection, the amendments are considered and agreed to, en bloc.

So the amendments (Nos. 2350 through 2362) were agreed to, en bloc.

Mr. STEVENS. Mr. President, I am informed Senator MCCAIN may have some objection. If he raises an objection, or any other Senator does, we will withdraw it and reconsider it. I believe we ought to just get along with these technical, conforming amendments. Therefore, I ask unanimous consent that they be adopted as I indicated, en bloc.

The PRESIDING OFFICER. That has been done.

Mr. STEVENS. I think the Senator from Iowa has an amendment.

Mr. INOUE. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, the Senator from Iowa has an amendment which we have examined. It continues a policy we started last year at his request. I ask unanimous consent that he take 3 minutes and we will take 2 minutes to consider his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

## AMENDMENT NO. 2363

(Purpose: To improve the financial accountability of the Department of Defense)

Mr. GRASSLEY. Mr. President, I will not even bother to take the 3 minutes. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 2363.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 82, between lines 11 and 12, insert the following:

SEC. 8087. (a)(1) Not later than October 1, 1995, the Secretary of Defense shall require that each disbursement by the Department of Defense in an amount in excess of \$1,000,000 be matched to a particular obligation before the disbursement is made.

(2) Not later than September 30, 1996, the Secretary of Defense shall require that each disbursement by the Department of Defense in an amount in excess of \$500,000 be matched to a particular obligation before the disbursement is made.

(b) The Secretary shall ensure that a disbursement in excess of the threshold amount applicable under subsection (a) is not divided into multiple disbursements of less than that amount for the purpose of avoiding the applicability of such subsection to that disbursement.

(c) The Secretary of Defense may waive a requirement for advance matching of a disbursement of the Department of Defense with a particular obligation in the case of (1) a disbursement involving deployed forces, (2) a disbursement for an operation in a war declared by Congress or a national emergency declared by the President or Congress, or (3) a disbursement under any other circumstances for which the waiver is necessary in the national security interests of the United States, as determined by the Secretary and certified by the Secretary to the congressional defense committees.

(d) This section shall not be construed to limit the authority of the Secretary of Defense to require that a disbursement not in excess of the amount applicable under subsection (a) be matched to a particular obligation before the disbursement is made.

Mr. GRASSLEY. Mr. President, my amendment is not controversial. I believe it has been cleared on both sides.

My amendment addresses the \$30 billion unmatched disbursement problem at the Department of Defense or DOD.

My amendment continues to ratchet down the thresholds at which DOD must match a disbursement with an obligation before making a payment.

Under Section 8137 of last year's bill, Public Law 103-335, any disbursement over \$5 million has to be matched with its corresponding obligation before a payment could be made.

The \$5 million threshold took effect about a month ago, on July 1, 1995.

We know that the DOD Comptroller, Mr. John Hamre, is wrestling with the problem. We know he is doing his very best to comply with the law.

He tells us he is doing it.

And there is no reason why he cannot do it.

We know, for example, that one of the major DOD contract payment centers, the one at Columbus, OH, processes about 2,200 invoices per year that exceed \$5 million.

There is no reason in the world why DOD's vast army of bookkeepers cannot make the necessary matches on 2,200 payments per year.

That is a small number.

It is a modest threshold.

Well, on October 1, 1995, the law ratchets the threshold down even further.

On that date, any payment over \$1 million must be matched with its corresponding obligation before a payment is made.

That threshold just keeps us marching in the right direction, toward the zero threshold goal.

That is where all DOD disbursements are matched with their corresponding obligations before payment.

That is where DOD needs to be.

At the \$1 million threshold, DOD has to make matches on about 12,300 invoices.

Mr. President, with 25,834 employees, I think DFAS, the Defense Finance and Accounting Service, should be able to make matches on 12,300 invoices.

We need to keep the pressure on.

DOD must develop a capability to match all disbursements with obligations in advance of making payments.

We must keep marching down the road toward that goal.

My amendment today would lower the threshold one more notch, to \$500,000, effective October 1, 1996.

That is one year from now.

That is plenty of time to automate the linkages between DOD's check writing machine and the accounting ledgers and contracting books.

There is a breakdown of electronic communications between DOD disbursing and accounting.

That is the problem Mr. Hamre is trying to fix. He is trying to integrate the two operations.

We want to help him do it, but at the same time, we need to keep the pressure on.

At the \$500,000 level, DOD will need to make payments on about 25,000 invoices per year.

His interim Electronic Data Interchange System should be up and running by the time the \$500,000 threshold kicks in.

Matching 25,000 invoices should then be a piece of cake.

Mr. President, I have raised so much fuss over the unmatched disbursement problem for one reason.

The \$30 billion in unmatched disbursements tells me there are no effective internal controls over a big chunk of the DOD budget.

This means that those accounts are vulnerable to theft and abuse.

The recent cases at Reese Air Force Base, TX, and the DFAS Center in Norfolk, VA, brought this problem home hard.

Two crooks were able to tap into the DOD money pipe undetected and steal millions of dollars over a period of several years.

Both individuals were caught only by chance because of outrageous personal behavior.

They were able to steal millions of dollars for one simple reason.

DOD does not do very basic accounting work before making a payment.

The check writing machine is on autopilot.

The money goes out the door. Then DOD begins to worry about matching.

DOD tries to make the matches after the fact, often long after the fact.

By waiting months or even years to make the matches, supporting documentation disappears.

It is missing. Or worse, it does not exist.

Either way, without supporting documentation, DOD does not know whether the payment is legitimate. Without documentation, it could be fraudulent.

Until the matches are made, we do not know whether a payment is legitimate or fraudulent.

So it was easy for the crooks in Texas and Virginia to operate undetected.

Mr. President, that is why we need to take the next step and put the \$500,000 threshold in place.

If we go step by step, we will eventually get to the point where there are effective, but very basic, internal control devices in place.

I thank my friend from Alaska, Senator TED STEVENS, and my friend from Hawaii, Senator INOUE, for backing me up on this issue.

Their support is crucial to getting the job done. They have been behind me 100 percent. I appreciate all the good support.

They held a hearing on the issue on May 23. They understand it and know how important it is.

A year from now we can review the situation and make adjustments if needed.

Mr. President, I hope the committee is prepared to accept my amendment.

I simply want to thank the chairman and the ranking members, not only for their cooperation this year but this is building on cooperation I had from the chairman and ranking member last year on my attempts to bring some discipline to the matching of disbursements with checks being written. This does build on what we did last year, I think in a very responsible way.

I suppose the taxpayers might say it is too timid of a way, that we have a major problem, and we will work at it slowly to get it accomplished. This amendment is one more step. I thank the managers for their cooperation.

Mr. STEVENS. We took up this matter during the hearing on this bill with Dr. Hamre, the comptroller of Defense Department. We have worked with him. We were pursuing the matter at the request of the Senator from Iowa last year. That furthers the concept that we are going to try and make certain that we have the identification of the invoice of disbursement. It is not always as easy as it sounds, since disbursement could take place literally in Italy and the invoice could be located somewhere in a small town in Iowa. But, as a practical matter, we are going to try to make sure that they marry up through the computer process. The Senator is right. I am prepared to accept the amendment.

Mr. INOUE. Mr. President, I would like to congratulate the Senator in this process. This is a continuation of

the process that was started last year, and we commend the author.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So the amendment (No. 2363) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, we have no other amendments pending. I have some 80 amendments on the list on my desk here. We would like to proceed. If Senators do not want to come and offer their amendments, I will be happy to make a motion to go to third reading quickly.

I think we have a good bill. This bill provides the lowest level of spending of any of the authorizations on the DOD bill, as I have indicated, because of the limitations on the committee due to the allocation and the budget process, but we have met the real requirements of the bill. We have discussed this with the administration, and there is some indication of the dissatisfaction, but we believe we can explain to the administration why we have done what we have done. This bill should be accepted for the purpose of funding the activities of the Department in the next year.

I ask unanimous consent that a summary of this bill be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF FISCAL YEAR 1996 DOD  
APPROPRIATIONS BILL

*Total funding.*—The subcommittee allocation provides \$242.483 billion in new budget authority, and \$243.069 billion in outlays. The markup package fully consumes all budget authority and outlays set for the subcommittee. In new budget authority, this level is about \$1.4 billion below the House subcommittee, and is about \$800 million below the estimated new budget authority levels reflected in the Senate reported DoD authorization bill.

*Contingency operations.*—Bill does not provide any funding or authority for U.S. military operations or deployments to Bosnia.

*Personnel.*—\$68.881 billion.

Recommendation fully funds authorized military end-strength for 1996. Fully funds requested pay raise for military personnel, and the authorized increase in the Basic Allowance for Quarters. Also provides an additional \$100 million to cover increased overseas station allowance costs due to the decline in the value of the dollar versus the budget estimates.

*Operation and maintenance.*—\$79.930 billion.

Recommendation fully funds proposed OPTEMPO level for military services. Fully funds civilian personnel pay raise. Provides an additional \$322 million for the renovation and refurbishment of barracks for enlisted personnel. Increases ship repair funding by \$150 million. Freezes funding for Environmental Restoration activities at the 1995 level. Reduces funding for assistance to Russia by -\$46 million. Eliminates Administration request of \$65 million for payments to the U.N. for Peacekeeping from DoD.

*National Guard and Reserves.*—Directs that Primary Assigned Aircraft (PAA) levels for

fighter squadrons remain at 15, and provides necessary O&M and Personnel funding to sustain those units. Directs the civilian technician workforce levels not be reduced, and provides necessary funding to maintain current levels. Adds \$100 million for Army National Guard O&M to address Real Property Maintenance backlog. Recommendation provides authorized level of \$777 million for National Guard and Reserve Equipment, and identifies priority items.

*Procurement.*—\$44.460 billion.

Provides \$5.8 billion over the budget request to restore critical modernization programs. Highlights include: +\$82 million for Apache helicopter multi-year procurement; Funds to continue UH-60 Blackhawk helicopter procurement; +\$120 million for OH-58 "KIOWA WARRIOR" upgrades; Funds for multi-year procurement of the M1-A2 tank upgrades; Includes for Army medium and heavy trucks/HMWV; Funds for 24 F-18C/D Navy aircraft; Funds for 8 AV-8B aircraft upgrades; Fully funds V-22 procurement; Funds LHD-7 Amphibious assault ship; Funds four DDG-51 class AEGIS destroyers; Advance procurement for two new Attack Submarines; Continued funding for the SSN-23 SEAWOLF; Funds 6 additional F-16 aircraft; Funds 6 additional F-15 aircraft; Fully funds C-17 program/advance procurement for 1997; Provides additional \$75 million for the NDAA airlift program; Funds 5 WC-130 aircraft; Provides funding for HAVE NAP, AGM-130 precision munitions; and Provides funding for B-1 upgrades and advanced munitions.

*Research and development.*—\$35.474 billion.

Provides \$343 million over the budget request for weapons research, development and testing. Highlights include: Full funding for authorized Ballistic Missile Defense program; BMDO level includes +\$300 million for National Missile Defense; +\$174 million for the RAH-66 "COMANCHE" helicopter; +\$200 million for the F-22; Full funding for F-18E/F development; Reduced TRP to authorization level; Includes +\$100 million for Breast Cancer research; Includes +\$20 million for AIDS/HIV research; Increases funding for Marine Corps Amphibious Assault vehicle; Increases funding for Marine Corps UH-1A/H-1 upgrades; and Reduces FFRDC spending by -\$90 million to authorized level.

*Other accounts.*—SEALIFT: Fully funds sealift procurement, adds \$50 million for "national defense features" as authorized; DBOF: Adds \$300 million for supplies for Coast Guard for defense/counternarcotics missions; INTELLIGENCE PROGRAMS: Provides funding consistent with levels reported by the Senate Intelligence Committee; and COUNTERNARCOTICS: Provides authorized level of \$680 million for DoD drug interdiction missions.

Mr. STEVENS. I yield to my good friend, the chairman of the authorization committee.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I want to commend the able chairman of the committee for the fine job he has done and the able ranking member for the good job he has done. It is a very difficult situation to work these things out. I think they both have shown great wisdom and shown tremendous dedication in working this bill out. I am anxious to see the Senate pass it.

Mr. STEVENS. We are grateful to the chairman of the authorization committee not only for his comments but for his presence on the floor as we consider these amendments. We look to him for guidance and support as far as this process is concerned.

Mr. President, I will soon suggest the absence of a quorum and hope that amendments will be presented. I am perfectly able to make a motion to proceed to third reading. I do not see anybody here on the floor that would object to that. I hope we get amendments pretty quickly.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask each of the Cloakrooms to put out the notice that if we do not have an amendment by 11:50 a.m., I am going to move to third reading.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BREAU. Mr. President, I was hoping to obtain clarification from the distinguished Senator from Alaska with regard to language on page 191 of Senate Report 104-124, under the heading "Mission recorders." This language implies that a digital version of the AN/USH-42 recorder is currently in use by the Navy.

Mr. STEVENS. I thank the Senator from Louisiana for pointing this out. A more precise rendering of the language will be as follows:

The Committee urges the Director of DARO to evaluate the requirement and potential utilization of Digital Video Tape Recorders on both manned and unmanned tactical reconnaissance systems. This assessment should consider the potential benefit of a small, lightweight, low-cost, digital variant of the AN/USH-42 video recorder.

Mr. INOUE. I agree with the language proposed by my friend from Alaska.

Mr. BREAU. Thank you.

Mr. KENNEDY. I want to take this opportunity to commend the chairman and ranking member of the Subcommittee on Defense for their support for the Defense Department's Financial Management Training and Educational Program.

This program, strongly supported by the Department of Defense, will establish urgently needed programs to give the Department's financial managers and accountants the necessary training that their private sector counterparts take for granted. This program will provide the educational resources to make these workers more effective and efficient and thereby help the Defense Department save millions of taxpayers' dollars.

In its report, the committee provides for full funding of the training program



operations in fiscal year 1996. It also states that the committee expects the Defense Department to accommodate any long-term leasing costs for the planned facility within the amounts appropriated in the account for operations and maintenance, defensewide.

I believe that the Department will accommodate these costs in the manner suggested. I would like, therefore, to clarify the view of the Appropriations Committee. Is it the understanding of the committee that once the Department meets the reporting requirements contained in the Defense authorization bill for fiscal year 1996 on the necessity for establishing a Center for Financial Management Training and Education, the Department will be free to enter into a capital lease for the establishment of the center without seeking further appropriation of funds or reprogramming authority?

Mr. STEVENS. Yes, that is my understanding. The committee acknowledges the justification for the training and education program, to ensure that the Defense Department's financial managers receive the necessary professional training. As stated in its report, the committee intends the Department have the authority to enter into a capital lease for the Center for Financial Management, Education, and Training, using funds appropriated in the operations and maintenance account.

Mr. INOUE. I concur with my colleague, the chairman of the Defense Subcommittee. The Defense Department has the authority to proceed with this worthwhile project, once the requirements contained in the fiscal year 1996 Defense Authorization Act are met.

Mr. KENNEDY. I thank the Senators for their comments.

Mr. MCCAIN. Mr. President, I would like to make a few remarks about the pending legislation. I say to my friend from Alaska that I have basically three amendments. I think two of them may be acceptable in talking with the staff.

Mr. STEVENS. Mr. President, the Senator is correct; the first two amendments are agreeable. We would be pleased to consider those and get them out of the way.

We are going to accept two of the amendments. Senator INOUE and I have agreed. The third amendment we will request a rollcall.

Mr. MCCAIN. If it is OK with the Senator from Alaska, I will make my remarks, do the first two, and then the third, if that is agreeable.

First, Mr. President, I congratulate both the Senator from Alaska and the Senator from Hawaii. This bill has been a dramatic reduction in the so-called earmarks, from some \$6 billion last year to about \$820 million this year. A lot of the previous bill language that was obligating funds has been moved to report language. Obviously, that is a significant improvement.

I also would like to talk about the overall aspects of the bill, which I

think are extremely laudatory. The bill increases funding for force modernization by nearly \$7 billion above the budget request.

Additional funding is provided for tactical aircraft, DDG-51, missile defense and other important programs recommended by the Armed Services Committee. The bill terminates many nondefense and low-priority military programs such as DOD support for the National Science Foundation antarctic research program, U.N. peacekeeping assessments, Nunn-Lugar funding for activities other than weapons demilitarization, and more than half the requested funding for the technology reinvestment program.

The bill does provide an additional \$777 million for unrequested Guard and Reserve equipment, with which I strongly disagree, but unlike the Armed Services Committee bill, it provides the funding in generic categories and leaves the decisions on specific items to the Guard and Reserves' component themselves. I very much favor this approach to prioritize among programs.

Last year, I advised the Appropriations Committee that I object to bill provisions in proposing amendments which violate four basic criteria; namely, funding which is unauthorized, locality-specific earmarks, research facility earmarks, and other earmarks that circumvent the normal competitive award process, unrequested additions that would be subject to a point of order, and transfer disposal of Federal property or items in a manner that circumvent existing laws.

In addition to conference reports, items added in conference which were in neither bill I would consider objectionable. Unfortunately, this bill includes provisions which violate some of those criteria.

There are five provisions in the bill language which, in my view, are in variance with at least one of the criteria outlined above. One is the earmark of \$15 million for environmental remediation at National Presto Industries. No authorization exists for this program. This matter is the subject of an ongoing dispute between the Army and National Presto Industries as to liability for contamination at the site.

This is a matter which I believe should be resolved between the parties, which may end up involving litigation. A legislative solution at this time, in my view, is not appropriate.

Second, authority to spend \$20 million to transfer federally owned educational facilities on military installations to local education agencies. No authorization exists for these expenditures, nor has the Armed Services Committee reviewed and approved such a policy.

Third, \$1 million earmarked for the Marine and Environmental Research and Training Station. No authorization exists for this spending and no direction is provided concerning the type of research to be conducted or the need

for that research. I understand that the Navy does not want to continue doing business with this organization because of the difficulty of dealing with them in the past.

Fourth, authority for the Coast Guard to draw \$300 million from the defense business operations fund, known as DBOF. This is an unauthorized appropriation and a new authority not considered in the Armed Services Committee. Expenditure of DOD funds for Coast Guard activities have been a recurring problem in past years, and this provision would greatly expand the ability of the Coast Guard to draw on DOD funds.

Finally, addition of \$25 million for the environmental remediation trust fund at Kaho'olawe Island.

Certainly DOD has responsibility to clean up this site, but adding funds to a trust fund which already totals a great deal of money I believe is a rejiggering of the defense priorities and a waste of scarce defense resources.

These provisions I do not believe have a place on this bill and should be subjected to the full review of the Armed Services Committee. The amendment I will be offering would not strike the provisions in the bill, it would merely subject them to the review of the authorizing committee and require a specific, separate authorization before the funds could be expended to implement the provisions.

Let me emphasize, the amendment would require authorization rather than just strike the funding, because there may be a difference of view as to the necessity for the expenditure of those funds.

#### SEAWOLF FUNDING

In addition, section 8080 of the bill contains a number of funding transfers, including allocation of additional funds for the *Seawolf* submarine.

Last year, the Congress imposed a legislative cap on procurement costs for the first two *Seawolf* submarines. The cap could automatically increase for inflation adjustments as well as changes in labor and other laws. It did not permit, however, an automatic adjustment for other cost increases, such as change orders or contractor claims.

In the fiscal year 1995 ship cost adjustment request, the Navy identified cost increases in the *Seawolf* program of \$65.9 million.

Only \$34 million of this increase—the amount attributable to inflation—is allowable under the legislative cost cap.

Therefore, to ensure that the *Seawolf* program cost remains with the legislative cost cap, the Navy identified \$31.9 million in offsetting reductions.

Unfortunately, in the bill before the Senate, the Appropriations Committee did not include the recommended rescission of \$13.6 million in fiscal year 1991 shipbuilding funds to keep the *Seawolf* program within the legislative cost cap.

I am offering an amendment which would add this rescission into the committee bill, ensuring that the *Seawolf*

cost cap is not breached only 1 year after it was imposed.

#### REPORT LANGUAGE PROBLEMS

Throughout the committee's report language, there are additional earmarks and set-asides for special interest projects. While report language is not amendable in the Senate, it still carries weight with the Department of Defense in allocating funds among programs. Therefore, I believe it is inappropriate to include earmarks for specific facilities or locations in the report language.

Let me list just a few of the items in the report language which I find objectionable.

#### MEDICAL EARMARKS

The sum of \$5 million is earmarked in report language—I want to emphasize report language—for research on “elastin-based biomaterial, polymerized by human enzymes and capable of injection molding and other tissue replacement application”; additional funds are earmarked “to conduct biologic implantation to evaluate immunological responses and healing and to prepare data for FDA submission preparatory to human clinical trials” I will not bother to ask the managers what that means.

Earmarks of unrequested funds for a number of medical research programs: \$425,000 for serum cholesterol, \$2.025 million for nutrition research, \$1 million for dengue fever, and \$3.878 million for “Medteams”;

The sum of \$11.2 million for unrequested program to “demonstrate a transportable plasma waste treatment system at the Western Environmental Technology Office”;

For spinal/brain research \$5 million, and \$20 million for the DOD/VA “core” medical research programs;

Additional \$120 million for AIDS and breast cancer research;

“\* \* \* the committee urges the Department to provide not less than \$8,000,000 in financial and technical support toward the study of neurofibromatosis”;

“\* \* \* the committee urges the Department to provide not less than \$1,000,000 in financial and technical support toward the study of Paget's and related bone diseases”;

The sum of \$5 million earmarked for the Military Nursing Research Program.

Other earmarks are: \$5.4 million in unrequested funding “to continue ongoing efforts with an established small business development center to be administered as in previous years, focused on developing agricultural-based services, such as bioremediation. The committee supports targeted research and development projects and agricultural development activities in zones surrounding military installations”;

The sum of \$1 million for the Mississippi Resource Development Corporation for “continued research and development programs at the National Center for Physical Acoustics, centering on ocean acoustics”;

Earmarks for continuing research: \$5 million for the Center for Astronomical Adaptive Optics, \$650,000 for National Solar Observatory, and \$3 million for Pacific Software Research Center;

The sum of \$8 million to be “competitively awarded to a qualified Washington, DC, region-based institution of higher education with expertise and programs in computational sciences and informatics capable of conducting research and development that will further efforts to establish an effective metacomputing testbed”;

Three million dollars of theater missile defense funds earmarked for operation of Kauai test facility; and

Earmark of unlimited counterdrug funding for Southwest border information system, to “permit acquisition of automated systems by Federal, State, and local law enforcement offices involved in this program.”

There are a number of other provisions which bear mentioning, because they are so egregious: \$3.85 million for family housing and wastewater treatment plans for Hawaii; over \$40 million for Pacific missile range improvements and support; \$2.6 million to transfer Bryant Army Heliport to the Army National Guard at Fort Richardson, AK; additional \$10 million earmarked for C-130 operations, and an unauthorized add of \$88 million for unrequested C-130 aircraft; \$30 million for the Allegheny Ballistics Lab, which was specifically rejected by the Armed Services Committee; \$2 million for a natural gas boiler demonstration; \$11.5 million for a training satellite for Air Force Academy cadets; another \$15 million of unrequested funding for the High Altitude Auroral Research Program in Alaska; another \$15 million for research on electric vehicle technology; \$1 million for brown tree snake research; authority to procure computer terminals for local law enforcement officials participating in Southwest border control programs.

Mr. President, there are others. I will stop.

First of all, I emphasize this is report language, not bill language. But, for the life of me, I do not know what a number of these projects have to do with defending our vital national security interests. I can imagine that the brown tree snake is a threat to the very vitals of this Nation, but I do not know, nor have I ever heard, that the brown tree snake posed a threat to our national security.

As I say, there are many others that are very worthwhile programs, such as breast cancer research, AIDS—I do not know very much about the study of neurofibromatosis, but I have not heard yet in testimony before the Armed Services Committee that neurofibromatosis is a threat or a consideration of the Pentagon.

Paget's and related bone diseases, I am sure are also another that deserve our attention, but I do not think in this bill.

I do congratulate my colleagues for their restraint and their understanding that these defense dollars are becoming less and less, and that they have exercised significant restraint. Therefore, I would like to offer the first two amendments to my colleagues, that are acceptable, in order. Then I will go to the third, move to the third amendment.

#### AMENDMENT NO. 2372

(Purpose: To limit the total amount that may be obligated or expended for procurement of the SSN-21, SSN-22, and SSN-23 *Seawolf* class submarines)

Mr. MCCAIN. Mr. President, I send an amendment to the desk for myself and Senator DODD and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] for himself and Mr. DODD, proposes an amendment numbered 2372.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 82, between lines 11 and 12, insert the following:

SEC. 8087. (a) Except as provided in subsection (b), the total amount obligated or expended for procurement of the SSN-21, SSN-22, and SSN-23 *Seawolf* class submarines may not exceed \$7,223,695,000.

(b) The amount of the limitation set forth in subsection (a) is increased after fiscal year 1995 by the following amounts:

(1) The amounts of outfitting costs and post-delivery costs incurred for the submarines referred to in such subsection.

(2) The amounts of increases in costs attributable to economic inflation after fiscal year 1995.

(3) The amounts of increases in costs attributable to compliance with changes in Federal, State, or local laws enacted after fiscal year 1995.

Mr. MCCAIN. Mr. President, in behalf of myself and Senator DODD, I will be brief.

Last year, the Congress adopted an amendment to the fiscal year 1995 Defense authorization bill which capped the procurement cost of the first two *Seawolf* submarines at \$4.759 billion, the total amount identified by DOD as necessary to complete construction of these two boats.

The amendment was necessary to control escalating costs of the program.

When the total cost of the *Seawolf* program is taken into account, the cost per submarine is over \$4.3 billion.

The procurement-only cost of the first two *Seawolf* submarines has risen \$1.4 billion since the contracts were signed.

In December 1983, the Secretary of the Navy set a procurement cost ceiling for SSN-21 of \$1.655 billion; current costs are almost \$2.433 billion. The initial cost estimated for the SSN-22 was \$1.718 billion; current costs are almost \$2.236 billion.

SSN-23 is currently estimated to cost a total of \$2.4 billion, although just



last year the Navy was estimating \$2.3 billion.

In September 1993 and again in May 1994, Navy officials confirmed the cost of the first two *Seawolf* submarines at \$4.673 billion, which was the amount I included in my original amendment to establish a cost cap. But then, on June 9, 1994, the Navy wrote to me indicating that the cost of the first two *Seawolf* submarines would go up another \$126 million. The final cost cap amount allowed only approximately \$86 million of these increases, because they were deemed to be truly uncontrollable—inflation and labor law changes.

Early this year, the Navy replaced the *Seawolf* program management team, allegedly because of escalating costs above the legal cap—perhaps as much as \$40 to \$70 million. The new management arrangement seems to be working well and is structured to allow the Navy to keep a close eye on costs, and hopefully, no further taxpayer dollars will be required to finish the first two submarines. I wonder, though, why the program was allowed to escalate out of control for so many years.

Therefore, I offer an amendment to expand the existing cost cap to include the third *Seawolf* submarine. The provision establishes a procurement cost cap of \$7.2 billion on the three *Seawolf* submarines. This includes an additional \$2.4 billion for the third submarine, as well as an increase of approximately \$34 million for inflation since the enactment of the cost cap last year.

The provision allows for the same automatic increases for inflation and labor law changes as the existing cap. It also exempts the future costs of outfitting and post-delivery for the submarines. These are costs which will undergo congressional review and require authorization and appropriations in the future.

When the Defense budget has declined 35 percent since 1985, with a projected decrease of nearly 10 percent by the end of the decade, Congress should insist on fiscal responsibility for every dime of taxpayer dollars we are asked to approve.

We cannot allow a return to the uncontrollable cost escalation that we have seen on the first two submarines, and I believe that imposing the same strict cost controls on the third *Seawolf* would be to the advantage of the American taxpayer.

Mr. President, I yield the floor on this amendment.

Mr. STEVENS. Mr. President, I will limit myself at this time to the Senator's pending amendment. I will answer the comments he has made at a later time.

I believe Senator INOUE will concur. We have examined this amendment dealing with the *Seawolf*. We have no objection. It carries out a limitation. I might add, however, that it does precisely what the Senator is objecting to. It is an appropriations bill. Providing the necessary oversight and limitation

on expenditures of funds is what we have done throughout the bill and in the report. We have, with regard to the *Seawolf*, this time not totally funded the *Seawolf*. We have incrementally funded the *Seawolf* in order that we may have the funds available from outlays for dealing with other projects which are in the bill, which the Senator from Arizona, I think, has rightfully acknowledged was a pretty good idea.

We have no problem with this. It puts a limitation on the expenditure for the *Seawolf* on the calendar year basis, which is what we intended to do. I think we do in the report.

Senator INOUE and I are prepared to accept this amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Arizona.

The amendment (No. 2372) was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 2374

(Purpose: To add a rescission recommended by the Department of Defense)

Mr. MCCAIN. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. MCCAIN), for himself and Mr. DODD, proposes an amendment numbered 2374.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 71, between lines 11 and 12, insert the following:

"Shipbuilding and Conversion, Navy, 1991/1995", \$13,570,000.

Mr. MCCAIN. Mr. President, I want to say to my colleague that the reason I proposed the last amendment—I had not intended to—was because of the situation regarding the authorization bill.

I think there is significant question as to whether there will be a defense authorization bill this year. I included it in the Defense authorization bill.

But the reason I put it on this bill was because of the enormous uncertainty as to whether there will be an authorization bill in light of the continuing failure to reach agreement on the ballistic missile defense issue.

Last year, the Congress imposed a legislative cap on procurement costs for the first two *Seawolf* submarines. The cap could automatically increase for inflation adjustments as well as changes in labor and other laws. It did not permit, however, an automatic ad-

justment for other cost increases, such as change orders or contractor claims.

In the fiscal year 1995 ship cost adjustment request, the Navy identified cost increases in the *Seawolf* program of \$65.9 million.

Only \$34 million of this increase—the amount attributable to inflation—is allowable under the legislative cost cap.

Therefore, to ensure that the *Seawolf* program cost remains within the legislative cost cap, the Navy identified \$31.9 million in offsetting reductions.

Unfortunately, in the bill before the Senate, the Appropriations Committee did not include the recommended rescission of \$13.6 million in fiscal year 1991 shipbuilding funds to keep the *Seawolf* program within the legislative cost cap.

The amendment would incorporate this rescission into the committee bill, ensuring that the *Seawolf* cost cap is not breached only 1 year after it was imposed.

Mr. President, I yield the floor.

Mr. STEVENS. Mr. President, I understand the Navy has expressed no objection to this amendment. It is a matter of moneys that are there that could be rescinded at this time. It totally rescinds \$13.57 million in the Navy accounts that are there from 1991 to 1995.

I have no objection if the Senator wishes to offer this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Arizona.

The amendment (No. 2374) was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 2375

(Purpose: To prohibit use of funds for programs and activities for which appropriations have not been authorized)

Mr. MCCAIN. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. MCCAIN) proposes an amendment numbered 2375.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 82, between lines 11 and 12, insert the following:

SEC. 8087. (a) Funds available to the Department of Defense for fiscal year 1996 may not be obligated or expended for a program or activity referred to in subsection (b) except to the extent that appropriations are specifically authorized for such program or activity in an Act other than an appropriations Act.

(b) Subsection (a) applies to the following programs and activities:

(1) Environmental remediation at National Presto Industries, Inc., Eau Claire, Wisconsin.

(2) Transfer of federally owned educational facilities on military installations to local education agencies.

(3) Activities at the Marine and Environmental Research and Training Station.

(4) Support for Coast Guard activities from the Defense Business Operations Fund.

(5) Contribution to the Kaho'olawe Island Restoration Trust Fund.

Mr. MCCAIN. Mr. President, I want to emphasize that this amendment would be to require authorization for the expenditure of these funds before the funds are expended as outlined in the appropriations bill.

It would not strike the language. It would simply add language requiring that authorization be obtained for these programs.

The first—I have discussed these before—is the earmark for \$15 million for environmental remediation at the National Presto Industries for which, as I pointed out, there is no authorization for the program. In addition to that, there is an ongoing dispute between the Army and this corporation as to liability for the contamination of the site.

The second one is the authority to expend \$20 million to transfer federally owned educational facilities on military installations to local education agencies. There is simply no authority for that.

The third is the \$5 million earmarked for the Marine and Environmental Research and Training Station. No authorization exists for this.

Finally, the authority for the Coast Guard to draw \$300 million from the Defense Business Operations Fund, and the addition of \$25 million for the Environmental Remediation Trust Fund for the Kaho'olawe Island.

Mr. President, I have discussed these at some length in my previous remarks.

So, therefore, I yield the floor.

Mr. STEVENS. Mr. President, I believe that the Senator from Arizona has presented his point of view ably. I thank him for the comments he has made concerning the bill as a whole.

We have a difference of opinion with regard to the functions of the Appropriations Committee as compared to the Armed Services Committee. It is my feeling that it is our responsibility to look over the request for money to be spent by the Department of Defense to try to allocate it within functions within the Department and within the various services to the best of our ability, keeping in mind that the Department has a request for many things.

The Armed Services Committee deals with the broader general defense policies and with the confirmation of the particular persons that are nominated to carry out the Commander in Chief's functions through the Department of Defense. They have the oversight of planning. They have the oversight of a great many matters, and they basically authorize general functions.

In recent years, there has been a tendency of some members of the Armed Services Committee to try to get down to the point where I think they would like to limit the number of paper clips that each agency can buy. We are inclined to oppose that. We are at that point now because we believe we have the right to put limitations on the expenditures of moneys or to allocate the moneys to particular functions when they are dealing with categories of line items, and the line items in this instance are important.

Take, for instance, National Presto. That is the environmental remediation site at Eau Claire, WI. It was first addressed in the 1988 defense bill. This year we have language that limits the funds only to implement the Army's agreement on that site.

Now, under the circumstances, that is limiting the expenditure of funds that we have authorized. It is a limitation on expenditures which is entirely our responsibility and not the responsibility of the authorization bill. This was offered by Senator COCHRAN in our subcommittee and voted on by the subcommittee, approved by the full committee, and has been brought to the floor as our recommendation on the limit of expenditure of funds contained in this bill. I think that is a good example of what we are all about.

With regard to the transfer of funds for the support of the Coast Guard activities from the Defense Business Operations Fund, we plead guilty. The Coast Guard is a defense entity in times of war. In order to keep it so that it can be a defense entity, we have since 1981 provided a substantial amount of defense funds either directly or through the use of funds appropriated to the Department of Defense for the purchase of fuel or supplies that can be used. They acquire them in this instance from the Navy facilities.

We have authorized the Coast Guard under this bill to draw services and logistics support for defense missions from the Navy. Now, they have had a whole series of defense missions, whether it is Haiti or the Cuban refugee concept or some of their activities in the blockade of Iraq.

There is a whole series of things the Coast Guard is doing. As a matter of fact, in my opinion, it ought to be 10 times this amount to repay the Coast Guard for what they are doing. But this ensures the Coast Guard can participate in these missions. They are also involved in the counternarcotics mission with the Navy in both the Atlantic and southern commands, and they have really I think had an impact on their overall readiness for their other activities that are very important in areas such as law enforcement, safety inspections, et cetera. They have to reduce their effectiveness in dealing with their civilian role during peacetime in order to participate in peacetime in semi-military activities.

This \$300 million is a bare minimum. I wish to serve notice to the Senate

that next year it will be more. If anyone believes it is wrong, the bill you have just voted on, transportation, assumes that this \$300 million is there.

If the Senator from Arizona wants to help the Coast Guard, if he does not want it here, then he should offer the amendment, in my opinion, to the Coast Guard. Those of us who support the Department of Defense—and I am sure the Senator from Arizona does, as I do—ought to realize that the Coast Guard is one of the echelons of the Department of Defense even in peacetime now.

I think that this, as I said, is a very small payment of what it should be for them. Incidentally, they come under the jurisdiction of the subcommittee that I chair in the Commerce Committee, and my friend from Arizona serves on the Commerce Committee similarly. This is a great problem for us because of the fact we cannot today increase the funding for the Coast Guard through the authorization that has been given to us in the Commerce Committee. This is the one way we can assure that the Coast Guard will not decrease its effectiveness in dealing with civilian operations because of its overwhelming ongoing semi-military and military operations in peacetime.

I also want to say to my friend with regard to the matter of the federally owned educational facilities on military installations, we have over a period of time now fostered a concept of transferring the educational facilities on military installations to the local school districts.

We ran into a problem not only in my State but other States where the school districts said they could not take over those and operate them because they did not meet State standards. So we have over a period of years now funded it. In 1993, 1994, 1995, we funded the upgrade of those federally owned and operated schools so that they would reach the level that would meet State law. The understanding at the time was they would be transferred to the school districts in the various States, and the main reason is, under their laws they cannot operate in schools on property owned by somebody else.

This is a formality now to carry out agreements that have been in effect, in my opinion, for some 3 to 4 years. They are really not earmarked, incidentally, I say to my friend from Arizona. We have recognized the priority list established by the Department of Defense, and we have funded it according to their priority list. As the schools have been upgraded to meet State standards, they have in fact been transferred. I think this is almost the last of them. I am not sure we are totally at the last of them.

I think, again, it is within the prerogative of the Appropriations Committee to do exactly that, to pursue a policy to reduce costs to the Federal Government. We have pursued that by seeking to transfer these schools to

local operations. We had to meet the obligations to upgrade them so they would meet State fire and safety codes, and now we have done that. So this says that they should be transferred upon completion of the repairs that we have already financed and we continue to finance in this bill.

Similarly, I have to say, Mr. President, if the Senate wants to look at the details of the Department of Defense health program, it begins on page 199 of the report. I am proud of this. I think that we have within the Department of Defense a series of dedicated people. Again, it is peacetime. There is no war ongoing. They have some tremendous capabilities to do research. They are the ones who got us the various vaccines over the years starting with malaria, hepatitis. You name it, it was the Defense Department's research group that has really been at the cutting edge of research in this country, and that includes AIDS.

As early as 1982, we started a fund to try to deal with AIDS. Why, Mr. President? We found an increasing number of people in the services were contracting AIDS throughout the world, and we had an increasing problem. We had people enlisting and after they were enlisted, they had AIDS. We had to have some basic funding for research to determine how to deal with that issue.

As I said before about breast cancer, we have literally thousands of young women coming on now into the Department of Defense, and they have to have that kind of medical attention. Based upon that medical attention, we should have the capability of giving the Department of Defense the money to continue research to help to deal with that disease that afflicts so many young women of childbearing age.

Those are the people enlisted in the Army, the Navy and the Air Force. And the Department has willingly taken on the task of being a partner in this type of research. I say I would oppose the Senator's amendment, if for no other reason than that.

I stood here and tried to limit the involvement of our defense funds to meet legitimate problems that the Department of Defense is concerned with. But this money is being dedicated, I think, to research that is needed.

Go through it. We have disaster management training. There is no question about it, we need that. We have funds for the support of the comprehensive health care system. We are looking at neurofibromatosis. That is a study that has, I think, the Department's full backing. We are developing a regional center for advanced cancer detection.

Again, Mr. President, if we are attracting the best of our young people, the people, as Senator INOUE says, who come forward and are willing to place themselves in harm's way, one of the harm's, unfortunately, that they get in the way of is different forms of diseases. And we have within our Department of Defense the capability to conduct research, not only assisting those individuals who develop these

diseases, but using those people to help us better understand the way those diseases affect the younger people of America.

I cannot think of a thing in that health care section of our report that I would want to change or that I would want to see the Senate delete. There is another item here—I do not know whether the Senator from Hawaii wants to talk about it—with regard to the contribution of the Kaho'olawe Island restoration fund. That is a fund that we created—no, that is a contribution. The funds have already been created to remediate an area of Hawaii that was severely impacted by the use of live ammunition, as I recall. I cannot understand why we should not use Federal money for that.

Mr. MCCAIN. May I respond?

Mr. STEVENS. I have to tell the Senate, I hope the Senate will join with us. I am going to move to table the Senator's amendment as soon as he has had a chance to explain it.

If my friend wishes to chat about it, I will be glad to yield to the Senator from Hawaii. Mr. President, there are two things I will close with. One is that the Senator from Arizona and I have a disagreement over the role of the Appropriations Committee vis-a-vis the Armed Services Committee. There is no question about that.

But with regard to this amendment, it goes further than that. This says that the Senator from the Armed Services Committee can ask us to delete these items without having sat in the hearings, without having sat in the meetings we have had, the subcommittee and full committee consideration, bipartisan review of every item that he has here.

I point out that there was no objection in either the subcommittee or the full committee to any one of these items from anyone. I believe they are examples of the kinds of limitations we should put on Federal funds or on those functions that receive Federal funds.

Mr. INOUE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, if I may respond to the bill that was just submitted by my dear friend from Arizona.

First, on the Kaho'olawe Island restoration. Kaho'olawe is an island in the Hawaiian chain. Soon after the election of President Eisenhower, the President felt that the military of the United States required considerable training and upgrading. The Korean war had indicated that our troops were not trained properly and that our Navy was insufficiently supplied.

Therefore, he called upon the territory of Hawaii—we were not a State at that time—and requested the use of this island. The Governor of that island and the legislature consented. The President issued an Executive order that said, when we find that we are no longer in need of this island as a target island, we will return it to the people of Hawaii in a habitable condition. That is what it says, "habitable condition."

Soon after the island was transferred to the Federal Government for use as

set forth in the Executive order, that island was just bombarded with everything from bombs to 18-inch shells, grenades, et cetera. This became the major training area in the Pacific Ocean, and it continued until about 5 years ago. All of our Navy pilots, Air Force pilots, Navy ships, and oftentimes ships from other countries, at our invitation, used this island for target purposes. They were not duds, they were live ammunition. So this island is just inundated with unexploded ordnance.

About 5 years ago, the U.S. Government decided that this island was not necessary for target practices. But then they looked over the island and they felt that if we were to return this island to the people of Hawaii in a habitable condition, it would cost possibly a couple billion dollars.

And so once again the people of Hawaii said to the Federal Government, we will set aside certain areas of this island and let us clean them up. We realize that to clean the whole island would cost billions of dollars. So this Congress authorized the expenditure of \$400 million to partially clean the island.

Mr. President, it should be noted that all these years from 1953, our Government used that island and did not pay even \$1 a year. No other State would have provided land for that purpose for less than market value. We got no pay. And so now the time comes to return the island, and the Senator says the cleanup should not proceed.

Mr. President, it should be also noted that this island just happens to be the most sacred island for our native Hawaiians. The most important temple, Heiau, is located on this island. This island also was the focal island for the trips to Tahiti. Long before Columbus ever set sail in the Atlantic Ocean, Hawaiians were traveling from Polynesia to the Hawaiian Islands, and this island was a focal island. So this is a very important island.

This Congress authorized this money. Granted, the authorization was not initiated by the Armed Services Committee. But this Congress did authorize it.

The Senator from Arizona also mentioned the brown tree snake. There is \$1 million for the eradication of the brown tree snake. I do not see it in the bill, but he mentioned that.

The brown tree snake was first discovered on the Solomon islands. Soon after World War II—and this is in the record—a military cargo ship, because it was not appropriately cleaned up, carried a few brown tree snakes when it landed on the island of Guam. The brown tree snake just flourished to the point where six species of birds have been wiped out there. They are no longer in existence because these snakes love birds. They eat eggs and eat birds.

Furthermore, as a result of this colony of brown tree snakes on Guam, the people of Guam experienced brownouts almost every night. These snakes like these electrical towers. There are brownouts all the time.

Obviously, the people of Hawaii fear the brown tree snake, and we have found that the few brown tree snakes that have been located on Hawaii have come through the military, through the aircraft. We recently found one in Scofield barracks.

Mr. President, we pride ourselves in being the home for many of the exotic birds. The few that remain on this globe are found in Hawaii. If this brown tree snake ever found a home there, then the endangered species program we have would have to be set aside because they will just wipe our birds out.

Mr. President, there is \$1 million to the military, and they want this so that they can set up a program to make certain that these snakes do not travel from Guam to Hawaii.

The other measure that my friend from Arizona mentioned, which is not here, is the Pacific missile range facility. This program was requested by the Navy. The title, the name and designation of this facility is misleading. It says "missile range." The major purpose of this facility is a submarine training and target facility. Up until recently, it was a highly classified activity. You do not see much of it because it is under water.

All of our training facilities to date are deep-water facilities. The Pacific missile range is deep water, but it is also shallow water. It is the only shallow-water testing and targeting facility in the United States.

In today's possible warfare, we must excel in the skill of fighting in shallow waters. This is what it is.

It is true, it was not authorized by the Armed Services Committee, but it was requested by the military, and we believe that request was justified.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, on the issue of the Kaho'olawe cleanup, let us make it clear that we want it cleaned up. But the fact is, there is right now \$116 million already in the account to clean up this island. And by the way, for some reasons that are not clear to me, 10 percent of everything appropriated goes to the State of Hawaii, but that is not the initial point here.

Right now, there is \$50 million remaining available in Navy environmental cleanup accounts, another \$66.75 million remaining in the trust fund, more than sufficient to proceed with 1996 planned efforts. The Navy expects to spend \$26 million during 1996 for cleanup activities. That would leave approximately \$90-some million left in the account.

The reason why I say it is not necessary at this time, not that we do not want the island cleaned up, but there are many other areas in America that

need to be cleaned up as well. I do not know how many Superfund sites there are in America or how many bases, including one in my own State, that still needs to have funding to be cleaned up.

As far as the Eau Claire Ordnance Works is concerned, in 1988, the Army entered into an agreement with this company, NPI, concerning the funding and the cleanup of the Eau Claire site. The Army agreed to request authorization for \$5 million for site-related environmental restoration costs incurred by NPI or NDC after January 1, 1984, for past production-related activities. Although the agreement provided for Army funding of cleanup costs, it also specifically denied any acknowledgment of liability or fault with respect to any matter arising out of or relating to the site. These two aspects of the agreement cause the document to be contradictory on its face.

According to the Army, the fundamental premise of the 1988 agreement to request environmental restoration funding was that the Eau Claire facility would "continue to be an integral part of the Army's mobilization base." It is the Army's position that further funding requests were contingent upon the continued mobilization status of the Eau Claire site. NDC or NPI could terminate that status at will. The Army maintains that with no reciprocal obligation to continue participating as part of the Army's mobilization base, it would be difficult for NDC to argue that the Army agreed to incur an obligation to continue to request additional funding regardless of NDC/NPI mobilization status.

In 1988, \$5 million was appropriated but not authorized. Most of the original appropriation was expended for studies and an alternative water system for a nearby town. Pursuant to the 1988 agreement, funding in excess of the \$5 million was expressly conditioned on congressional authorization.

In 1992, the Army determined that the Eau Claire facility was no longer a critical national defense need. Then in 1993, \$7 million was appropriated but not authorized. The Army unsuccessfully challenged this earmark. The \$7 million was expended for studies, combined water system installation, bottled water and groundwater treatment.

In 1995, \$2.3 million was earmarked for environmental restoration of the Eau Claire site in the Department of Defense appropriations conference report. There was no authorization for this purpose. According to the Army general counsel's office, that conference report earmark does not have the force of law. The Army comptroller has not released the money.

The Army believes that it has no liability for contamination of the Eau Claire site under the Comprehensive Environmental Response, Compensation and Liability Act, known as CERCLA. The Eau Claire facility is a formerly used defense site owned by the Government from 1942 to 1948. The Army Corps of Engineers has com-

pleted a PRP study concluding that there is no evidence related to disposal of hazardous substances at the site during the period the Government owned the property. According to Army general counsel, the Army did not exercise the degree of site control from 1978 to 1992 such as to warrant concluding that it was a PRP during that period.

To date, the Army has expended about \$12 million for Eau Claire site remediation. NPI has requested another \$15 million for environmental remediation of Eau Claire, citing the 1988 agreement as the legal basis for such funding.

The Army signed the 1988 agreement that established an obligation to request Eau Claire site remediation funding in the amount of \$5 million initially, and to request additional authorizations.

The Army did not clearly identify the underlying premise of its agreement as a condition precedent to additional requests for authorization for remediation funding.

The Army's expressed willingness to request funding authorization for site remediation suggests that the Army has historically acknowledged some level of liability but now wishes to alter that position.

The 1988 agreement also denied liability or default with respect to any matter arising out of or relating to the Eau Claire site.

The sub rosa purpose for the 1988 agreement was to keep NPI financially afloat so that it could maintain its mobilization status on behalf of the Army.

The Army's PRP study indicated that the Army had no CERCLA liability with the Eau Claire site.

To continue to compel the Army to fund the Eau Claire site for remediation simply based on a contractual relationship that it shared with NPI, sets a very bad precedent for the Department of Defense.

The factual basis for this claim is ripe for litigation, not legislation.

What would be most beneficial in this situation is to encourage the parties to work out their differences as they agreed to do in the context of the 1988 agreement. I might add that the Army opposes earmarking funds for this site remediation.

Mr. President, I do not know if the \$20 million to transfer federally owned educational facilities on military installations to local education agencies is good or bad. It has never been brought up to the authorizing committee.

As far as the Coast Guard to draw \$300 million from DBOF, if they are for contingency funds for Haiti and others, I suggest they come out of funds which are for ongoing contingencies, and their operations would be part and parcel for that.

The Senator from Alaska is right that we do not agree on the respective roles of the appropriations and authorization committees, and I am sure that

we will continue to have that sometimes intense but always respectful difference of opinion. But I say to my friend from Alaska, his authority to limit expenditures is something that I see exercised in the breach and the exercising of his authority to increase spending is something that I see exercised with great frequency. Therein lies much of our difference of opinion.

Mr. President, I want to say that I appreciate enormously the dedicated effort that the Senator from Alaska has made for many, many, many years, long before I was a Member of this body, to ensure that we had an adequate and strong national defense. And my sentiments are the same for the Senator from Hawaii and his dedicated efforts. I know that the Senator from Alaska and the Senator from Hawaii know I will continue my efforts to avoid earmarking and unauthorized expenditures of funds. I will also admit to the Senator from Alaska that there are bound to be certain gray areas in which there is an open and honest difference of opinion as to what needs to be authorized and what needs to be appropriated.

So I thank my colleague from Alaska for his indulgence on this issue. I am prepared to accept a voice vote on this amendment.

Mr. COCHRAN. Mr. President, I simply want to point out, as the managers have already so capably done, that these provisions are included after a review by the committee and a decision by the committee that the allocations of the funds were justified. I suggested that we approve the provision relating to the Eau Claire, WI, site where environmental remediation is obviously needed, and has been agreed to by the Army in a previous written agreement that goes back to 1988.

The fact is that that agreement has not been kept on the part of the U.S. Army. So the funds are available in this bill for that purpose, and the committee report spells out that they are, much like the committee report did in 1993, where it concludes with this language: "The Department of the Army has not fulfilled its commitments under this agreement." The Department is encouraged, and the funds are made available, to complete the obligation and keep its part of this bargain. It is a difference of agreement.

I urge the Senate to go along with the recommendations of the managers of this legislation.

Mr. STEVENS. Mr. President, I ask for a vote on this amendment.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 2375) was rejected.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DORGAN addressed the Chair.

Mr. STEVENS. Will the Senator yield for a question?

Mr. DORGAN. Yes.

Mr. STEVENS. Is there a possibility that we can limit the time on this amendment?

Mr. DORGAN. I would be agreeable to a time limit. I know there are likely to be people who will want to speak on this. On the other hand, we have debated missile defense issues generally on the Defense authorization bill in recent days for some 8 or 9 hours.

Mr. STEVENS. Mr. President, I will serve notice to the Senate that when the Senator completes his remarks I will move to table the amendment.

This has been debated on the Armed Services Committee bill, and it is part of an item that is in conference now. I hope the Senator will understand that we want to move this bill along. It is a matter that was debated at length on the other bill.

It is my intention to move to table at the completion of the Senator's remarks.

Mr. DORGAN. I am more than amenable to having a short time limit, but I would like an up-or-down vote on the amendment.

Mr. STEVENS. I will be happy to have an up-or-down vote if we have a time agreement.

Mr. DORGAN. I would be happy to do that. I understand we want to try to avoid recorded votes between 1 and 2.

Mr. STEVENS. We can postpone the time. Others are standing in line.

Mr. DORGAN. I would be amenable to a 1-hour time agreement equally divided.

Mr. STEVENS. I believe that is agreeable. With the vote to take place at a time to be mutually agreed upon following completion?

Mr. DORGAN. Yes. That would include no second-degree amendments.

Mr. STEVENS. No second-degree amendments.

Mr. BINGAMAN. Mr. President, can I ask the Senator from Alaska if he would add to that one-half hour for the amendment that I will offer after the Senator from North Dakota on my side, and one-half hour in opposition, also without no second-degree and with an up-or-down vote? It would be the amendment I just gave the Senator.

Mr. STEVENS. With regard to the amendment of the Senator from New Mexico, there would be no second-degree amendments prior to the motion to table. If the Senator's amendment is not tabled, it would be subject to a second-degree amendment.

Mr. BINGAMAN. Mr. President, I see very little percentage in me agreeing to a time limit under those circumstances.

Mr. STEVENS. I will make the same offer. I intend to move to table any amendment that was debated on the Armed Services Committee bill.

Mr. President, has the time agreement been entered into on the amendment of the Senator from North Dakota?

The PRESIDING OFFICER. No unanimous-consent request has been made.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that there be 1 hour, equally divided, with no amendments in the second degree, and we will have an up-or-down vote at a time to be agreed upon following the expiration of the hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota is recognized.

#### AMENDMENT NO. 2377

(Purpose: To reduce the amount authorized to be appropriated for national missile defense.)

Mr. DORGAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. BRADLEY, Mr. LEAHY, Mr. BINGAMAN, and Mr. FEINGOLD, proposes an amendment numbered 2377.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 29, beginning on line 12, strike out "\$9,196,784,000, to remain available for obligation until September 30, 1997.", and insert in lieu thereof "\$8,896,784,000, to remain available for obligation until September 30, 1997: *Provided*, That, of the amount appropriated under this heading, not more than \$357,900,000 shall be available for national missile defense."

Mr. DORGAN. Mr. President, I have agreed to a time agreement even though this is an enormously important issue, because we have spent many, many hours debating the general issue in recent days on the Defense authorization bill. My amendment would eliminate the \$300 million additional funding that was added in the appropriations bill for something called national missile defense. It was added to the Defense authorization bill, and now added to the appropriations bill.

We already had a debate on this on the authorization bill, and I lost by three votes in stripping out the \$300 million extra that was written into the bill that the Secretary did not ask for. This is not money the Secretary said we need, that he wanted. This is \$300 million extra that was put in the Defense authorization bill, and now put in the Defense appropriations bill, for a national missile defense program.

Let me try to describe what all of this means. We can go back to the mid to early 1980's and President Reagan's announcement one evening at a press conference of his idea to build an astrodome over America—star wars, it was called. If you kind of put an astrodome over our country in the form of star wars defense, you create a shield against incoming intercontinental ballistic missiles from the Soviet Union.

It was a very expensive proposition, but at a time when we were in the middle of the cold war with the Soviet Union, the Reagan administration pushed very hard to initiate a star wars program, to create a shield over this country that incoming missiles could not penetrate because they would be shot down.

A lot has happened since 1983. The Soviet Union no longer exists. It is a name consigned to the ash bin of history. The Soviet Union is gone. Since 1983, we have entered into arms agreements with the Soviet Union that result now in having missiles cut up and destroyed in the Soviet Union that previously were sitting in silos with nuclear warheads aimed at American targets. Those missiles are now being taken out of the silos, dismantled, and destroyed under our arms agreement, initially made with the Soviet Union, and now continuing to be carried out with Russia and the Republics.

But one thing has not changed in the intervening period, and that is the appetite for folks who are invested in an arms program to continue to build that program.

The Soviet Union is gone. The cold war is over. We are now allies with Russia in a whole range of areas. We just had our astronauts up in space with the Russians, cavorting around the space lab.

The Russians are now taking their missiles out of their silos and cutting them up and destroying them, and the American taxpayers are helping pay for that destruction because it is part of arms control and it makes a lot of sense.

It makes a lot more sense to pay for the destruction of missiles that were previously aimed at the United States than for us to build a new weapons program with all of the tens of billions of dollars that costs.

One thing has not changed; that is the appetite to build the programs that were started. So we come to 1995 and something called national missile defense, ergo, star wars. New title, new description. But look on page 186 of the report before the Senate on the defense appropriations bill:

National Missile Defense. The committee has provided \$670.6 million, an increase of \$300 million over the budget request. The committee has taken this action to accelerate the development of a national missile defense system. The committee endorses the realignment and augmentation of funding for BMDO and endorses the realignment and funding for 1996. The committee shares the commitment articulated in the report on the defense authorization bill that adequate resources should be made available to facilitate the deployment of an operational national missile defense system at the earliest possible time that can fully protect all 50 States.

Now, what does this mean? What this means is the Secretary of Defense, in asking Congress for the money he thinks is necessary for the security of this country, asked for \$371 million to continue to do research and develop-

ment on a national missile defense program in the event that in the ensuing years, a threat develops that would persuade the Department of Defense authorities that they might want to deploy a national missile defense system.

What did the Congress do? Well, those who were beating their chests day after day earlier this year about the Federal budget deficit, the fact that this country is up to its neck in debt and has enormous yearly budget deficits, have changed their tune. Those same folks who were bellowing and crowing and beating their chests about the budget deficit said, "You know, what we would like to do is to add \$300 million more to this account that the Secretary says he does not want and does not need."

In fact, this is just a small part of it. They actually said, in this entire bill, we will add \$7 billion that the Secretary did not ask for. We will buy trucks, ships, and planes that the Secretary of Defense did not ask for, because we think it is in the national interest. Seven billion dollars was added in the authorization bill, and most of it is in the appropriations bill, that the Secretary of Defense said he does not want and does not need.

Included in that \$7 billion is \$300 million for star wars. Some will object and say this is not star wars. Well, read it.

This bill says the following: First of all, we ought to deploy a new national missile defense system by 1999. That is 4 short years from now. Second, it ought to be a multiple-site system; that, by definition, means we want to break the ABM Treaty.

The ABM Treaty is the foundation for the arms control agreement that now results today in Russia in the destruction of missiles that used to be aimed at us. They are torn up, cut apart, and destroyed.

Those arms treaties result in that. That is progress. That is success. I say when you have thousands of missiles and you are destroying rather than building more, that is success.

But to deploy a new multisite national missile defense system immediately abrogates the ABM Treaty. Then this bill says that as a component part of that system, we will have a space-based component. Well, putting weapons in space violates the ABM Treaty too. So all of that simply abrogates the ABM Treaty.

Some may want to do that, and think the treaty is irrelevant and ought to be changed. I think it is the foundation that has led us to a position where rather than building new missiles, we are helping to destroy old ones that used to be aimed at us.

I suppose of all the folks in this Chamber who ought to be supporting this, it ought to be me. One of the likeliest sites for national missile defense is northeastern North Dakota. Most everybody says that would be one of the first sites because that is where the only ABM system was ever built.

In the early 1970's, this country built an antiballistic missile system, and spent billions of dollars doing it. Within 30 days of it being declared operational, it was mothballed. Within 30 days of this antiballistic missile system being declared ready and operational it was closed and mothballed.

The ABM Treaty provides if we have another ABM site, it shall be in that same State. If anybody in this Chamber probably would be expected to support this because it is likely in part to be built in North Dakota, I suppose it would be me. But I do not support it because I do not think this country ought to spend money it does not have on things it does not need.

That is the case with star wars. It is out of step. It is out of time. It makes no sense in the current circumstances to initiate the development of a new \$48 billion program, according to the Congressional Budget Office statistics—\$300 million this year, yes, but it would cost an estimated \$48 billion in total.

Now, what is the threat and what is the administration's policy? Well, let me read a statement of the administration's policy. These are the folks who run the Defense Department. "The bill would direct the development for deployment by 2003," and the bill also says the initial deployment in 1999, "of a multiple-site system for national missile defense that, if deployed, would be a clear violation of the ABM Treaty. The bill would severely strain U.S./Russian relations and would threaten continued Russian implementation of the START I treaty and further Russian consideration of the START II treaty."

Incidentally, they are involved in the issue of consideration of ratifying the START II treaty at this point. This could not come at a worse time and could not be, in my judgment, a worse policy. "These two treaties will eliminate strategic launchers carrying two-thirds of the nuclear warheads that confronted the Nation during the cold war."

We are saying that the treaty which was the foundation for all this arms control progress is a treaty we now essentially ought to violate.

Now let me read a statement from Secretary Perry, the Secretary of Defense:

The bill's provisions would add nothing to DOD's ability to pursue our missile defense programs and would needlessly cause us to incur excess costs and serious security risks.

I do not know how you can say it more clear than that. You have a Secretary of Defense that says you do this and you cause this country additional security risks. You have a Secretary of Defense that says he does not want this \$300 million, and a bunch of folks that call themselves conservatives saying not only do we not care if you do not want it, we insist we give it to you and you spend it. This makes no sense to me.



Now, some will stand up in this Chamber and say, "You do not understand anything about defense. You oppose all these things." I support a strong defense. I supported many weapons programs which I think are necessary for the country. I have also been willing to stand up and confront some programs that I think are complete total boondoggles, this among them.

Some will say, well, you do not understand; maybe it is not Russia, maybe it is not the cold war, but it is a new threat, they tell us. In fact, several stood on the floor of the Senate recently in the last week and said: It is a new threat; you do not understand. It is Iraq, it is Saddam Hussein, it is the country of Iran, it is Muammar Qadhafi and Libya; it is North Korea, in fact. That is what they say. They bring charts out and they show big pictures of missiles that North Korea is developing.

Well, all the credible experts in intelligence tell us there is no credible threat to this country in the next decade from a terrorist nation delivering a nuclear warhead with an intercontinental ballistic missile. It is far more likely that a terrorist nation, if it managed to get sufficient materials with which to produce a nuclear bomb, would threaten this country with a suitcase bomb, or with a bomb in the trunk of a rusty old car parked at a dock in New York City; or perhaps with a small glass vial of deadly biological agents smuggled into this country.

But that, unfortunately, does not augur for a defense mechanism that would allow one to build a \$48 billion program with jobs all over the country to construct a new missile program and relight the torch of the arms race at exactly the time we have started to make progress, to see the destruction of missiles that used to be aimed at us.

No, it is hard to dim the appetite in these Chambers for weapons programs. It does not matter what year it is. You just change the argument. It does not matter that the Soviet Union does not exist; just debate Korea. Just say Korea has some missiles now.

Listen to some defense experts; in fact, maybe listen to the folks back home. Listen to the taxpayers. Do you want to talk about a threat to this country? Maybe the threat to this country ought to be best described as debt and deficits, a \$5 trillion debt and nearly \$200 billion in annual deficits.

In a circumstance where when we debate that, the very folks who now tell us that they want to stuff the Pentagon's pockets with \$300 million this year that the Pentagon does not want, and up to \$48 billion in the future, to build a star wars system, the very same people who say that they are the warriors in confronting the budget deficit become wallflowers when the defense budget comes to the floor of the Senate because they are the ones who are the wild-eyed, reckless spenders. They are the ones who say it does not

matter to us that we do not need it, it does not matter to us that nobody asked for it. We insist, in fact we demand that we build it and spend it.

We have already had a vote on this issue: \$300 million for early development, 1999, a new star wars national missile defense program. We already had a vote on it. I lost, 51 to 48. That was in the defense authorization bill.

This is the appropriations bill. Someone might argue, "Well I voted to authorize it but I really did not vote to spend the money." Here is where we are going to decide who is willing to vote to spend the money on something we do not need. This is when we find out who is really the steward of the taxpayers' dollar.

As I finish this discussion I cannot help but also point out there is a tendency in this Chamber—and it is probably a tendency that has been around for a long, long while—to say if you do not support this sort of thing you do not support a strong defense. In fact, someone stood up on the other side of the aisle last week and said: You know, what the folks who do not want to build the star wars system are saying is let us protect everyone else but America. Let us not protect America.

What a bunch of babble. What a lot of babble coming from folks who talk that way. We spend \$260 to \$300 billion on defense in this country. We build bombers and fighters and tanks and trucks and we build weapons, sophisticated and unsophisticated. The fact is, we spend so much more than any other country in the world on defense that you are embarrassed to see the ratio. You can add up all the rest of the expenses by all of our allies and we still spend more than all of them by far.

So for anybody to suggest if you do not swallow this minnow, if you are not willing to build this project, start a new star wars and abrogate the ABM Treaty, somehow you do not care about this country—I say that is the kind of debate that largely renders thoughtfulness irrelevant in this Chamber.

I do not mind if somebody stands up and prints a cardboard cutout of some hyperinflated missile threat from North Korea. If they really want to do that, they have every right to do that. But it does not comport with what the intelligence experts say.

I do not mind if somebody says, you know, it is true we cannot afford to have poor kids at school have an entitlement to a hot lunch because we do not have the money; it is true we cannot afford to fully fund Medicare for the elderly because we do not have the money; and it is true we have to make it more difficult for kids to go to college and for their parents to pay for it because we do not have the money for student financial aid—that is all true, but then they say it is not true we are short of funds when it comes to building star wars.

I respect the debate about priorities. Those folks who believe that, that this is wrong and that is right, that invest-

ment in human potential is not what helps our country but investment in the Star Wars program when the Soviet Union is gone, they think that is the right priority—I respect that difference. But I have minimum high regard for those who stand on the floor and say those of us who would oppose a new Star Wars program that will cost up to \$48 billion somehow do not want to protect America. The best way to protect America, in my judgment, is to not spend money we do not have on something we do not need; and not abrogate the ABM Treaty. This treaty is a vital part of arms control, and it is arms control agreements that have put us where we are now with now, helping to destroy missiles that were previously aimed at us.

I intend to ask for a record vote. I want people to register how they feel about spending this extra \$300 million, and consigning us to spend an extra \$48 billion, reignite the arms race and abrogate the ABM Treaty with this kind of foolishness.

With that, Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. KYL). Who yields time?

The Senator from Hawaii.

Mr. INOUE. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUE. Mr. President, at the outset, I believe the record should show that a week ago, when this amendment was proposed to the authorization bill, I did support with some reluctance this amendment. Today I stand before my colleagues as one of the managers of the appropriations measure. In the past week, several things have happened which places this amendment in a different light.

First, this measure has been voted upon after an 8-hour debate and the vote was close, 51 to 48. Second, the underlying proposition, which is the possible abrogation of the ABM Treaty, is now very seriously negotiated by our leadership, Mr. DOLE and Mr. DASCHLE, by members of the State and Defense Departments, and by the senior members of the Armed Services Committee. At this moment, Mr. WARNER, Mr. COHEN, Mr. NUNN, and Mr. LEVIN are very seriously discussing this matter.

Many of us have been assured that this negotiation process is moving along in a very fruitful fashion; that we can anticipate some sort of resolution. And therefore it is with that understanding that the appropriating committee came forward and presented our bill. There is an understanding that, if a resolution is reached, we would be set aside and the authorizers will come into the picture.

Third, this \$300 million is for research and development. The amount of \$48 billion has been mentioned. The \$48 billion is a possibility in the future, if—and I say if—this country should decide to establish an antiballistic missile system, setting up bases all over

the United States. That decision has not been made and I believe that at this stage it is very unlikely that a decision of that nature would be adopted by this Government, or by this Congress. Therefore, I hope my colleagues here will be a bit more patient and wait until the negotiators have concluded their meetings, wait until our Defense and State Department officials have expressed their views, and wait until the authorization measure is taken up in the appropriate fashion and votes are taken to make their final decision.

Therefore, I must advise my colleagues that on this vote I will be voting with my chairman which would be against the proposition.

Mr. President, how much time have I consumed?

The PRESIDING OFFICER. The Senator has consumed 4 minutes and 15 seconds.

Mr. INOUE. I yield the floor.

Mr. DORGAN. Mr. President, let me make a couple of additional comments.

There is no one for whom I have higher regard in the Chamber than the Senator from Hawaii. I regret that he will not be able to vote for the amendment. But I want to make a couple of additional points.

There are negotiations going on right at the moment. I have been at a number of meetings today on this subject. Frankly, I doubt very much whether those negotiations are going to be able to bridge the gap. Some of us essentially want a multiple-site missile program, with a space-based component, both of which will violate the ABM Treaty. Others of us believe this is a gold-plated boondoggle, it wastes the taxpayers' money, and it will commit us to spending \$48 billion for a national missile defense system that probably does not work and that we certainly do not need.

But I point out that the \$300 million that is in this bill is \$300 million specifically in the authorization bill designed to lead to deployment. It is not as innocent as just research. If it were, I maybe would not be on the floor in quite this manner. But it is designed to lead to deployment of this system. That is the dilemma.

I fully understand the appropriators who bring this to the floor generally would support what they have written in the appropriations bill. But I want to make one final point.

The fact that something has been authorized does not necessarily mean that it must be appropriated. Any number of things have been authorized by Congress. But then, any number of times, we decided subsequently that maybe we could do that but when you looked at all the priorities we did not have the money and we were not going to fund it. The decision here is, are we going to fund it? Are we going to pay for it?

I ask my colleagues, all of those who believe that we ought to deploy a new star wars program, where are you

going to get the money? Where does the money come from? What are you going to cut to fund it? Which taxes are you going to raise to pay for it? Those are a series of questions that ought to be answered if we commit ourselves to spending this kind of money on a project that I think this country does not need.

Mr. President, I yield the floor and I reserve the remainder of my time.

Mr. STEVENS. How much time remains?

The PRESIDING OFFICER. The Senator has 25 minutes and 40 seconds. The Senator from North Dakota has 8 minutes and 53 seconds.

Mr. STEVENS. Mr. President, I know the Senator from Hawaii has already spoken. I shall not repeat what he said. I say to the Senate, when are we going to decide whether this bill is going to pass? This amendment was debated before, as the Senator from Hawaii has indicated. It was a matter within the jurisdiction of the Armed Services Committee, not our committee. There are times when we debate something in that jurisdiction, but this is not one of the times.

I just say simply to the Senate that, if this amendment is not tabled, as far as I am concerned I am going to ask the majority leader to pull the bill down. I see no reason for us to debate once again hour after hour after hour comments that were considered by the Senate in connection with the Armed Services Committee.

The Senator has every right to offer this amendment. Unfortunately, I feel I have the duty to move to table it. We had an agreement to vote up or down. That is even worse really. But it is worth the price. We must have the support of the Senate to defeat the amendment. I am prepared to yield back my time if the Senator is.

We have an understanding, I might say to the leader, that we will not vote before 2 o'clock. But we will have other amendments that are ready to go. So we will proceed with other amendments right away.

The Senator has some additional time, Mr. President. It is I hope going to be a precedent for the Senate that we determine not only now but for future considerations of this bill that if there are amendments considered in connection with the Armed Services Committee bill it will not be considered on this bill.

The PRESIDING OFFICER. The Chair might advise the Senator that there is a vote scheduled on this but the Chair understands there has not been an agreement yet as to what time that will be.

Mr. DORGAN. Mr. President, I would say to the majority leader and the managers of the bill that I have no intention of delaying. That is why I agreed to a rather short time period. I would have no objection to setting a time for the vote at 2 o'clock. I would have no objection to moving to other amendments. There are some who may

wish to use the remaining time, if we could simply provide the remaining 8 or 9 minutes if there is someone between now and 2 o'clock who wants to come to claim that on this side of the issue. I would have no objection to doing it. I have no objection to getting to a vote here at a time specific.

Mr. STEVENS. If the Senator will yield for an inquiry. What is the time situation now?

The PRESIDING OFFICER. The Senator from Alaska has 3½ minutes and the Senator from North Dakota has 8 minutes.

Mr. STEVENS. Mr. President, I ask unanimous consent that we each retain 8 minutes and let us put this amendment aside.

Mr. DORGAN. No objection. I would ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. I asked for that because I do not know if someone on this side might wish to answer the Senator. I do not think so. Whenever the leader wishes to call this back up, there is a possibility of 16 minutes definitely before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Each side will retain 8 minutes.

Mr. STEVENS. Mr. President, the Senator from New Mexico [Mr. BINGAMAN] has an amendment that he indicated he wishes to offer. We are prepared for that, and the Senator from Vermont [Mr. JEFFORDS] is here with an amendment. There are several amendments coming.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. The Senator from North Dakota indicated to me that he would be willing to vote at 2 o'clock unless you want to stack the next amendment and his at the same time. That would save some time, too.

Mr. STEVENS. We are happy to hold this amendment whenever it is, at the leader's convenience.

Mr. DOLE. I would suggest that, if we are going to have another amendment by Senator BINGAMAN which might require a rollcall, we have two at once.

Let me indicate to my colleagues who are not here—the managers are here and they are prepared to discuss amendments—that it looks as though now this will be the last bill to come up before we go home. So when it is over, it is over, if we get a very tight time agreement on the DOD authorization bill. If we cannot get that time agreement, we will be back to DOD. But if we get a very tight time agreement, which would not take more than 4 or 5 hours when we come back, we would do that on Tuesday the 5th and then go to welfare reform.

So for those people who have come to me and left notes under the door saying "Let's get out of here," and all of

these things, here is their opportunity to come to the floor and offer their amendments and enter into a very short time agreement. It will speed up the process and make the managers very happy, and many others will be pleased, I might add.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

Mr. BYRD. I thank the Chair.

(The remarks of Mr. BYRD pertaining to the submission of Senate Resolution 162 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. BYRD. Mr. President, I yield the floor.

Mr. BURNS. Mr. President, parliamentary inquiry. Are we in a period of morning business?

The PRESIDING OFFICER. No.

Mr. BURNS. I ask unanimous consent that I may speak as if in morning business for such time as to introduce several bills.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BURNS. I thank the Chair.

(The remarks of Mr. BURNS pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BURNS. I thank the Chair, and yield the floor.

Mr. STEVENS. Mr. President, I thank the Senator from Montana.

#### MARINE CORPS MPS ENHANCEMENT PROGRAM

Mr. SMITH. Mr. President, I wonder if I might engage the distinguished chairman and ranking member of the Defense Subcommittee in a brief colloquy.

Mr. STEVENS. Certainly, the Senator from New Hampshire may proceed.

Mr. SMITH. First of all I want to commend the Senators from Alaska and Hawaii for their fine work in formulating this appropriations bill. I know that the subcommittee was confronted by some significant fiscal challenges, and I appreciate their outstanding work in balancing resources with our military requirements.

One issue that I am concerned with, however, is the Marine Corps Maritime Preposition Ship [MPS] Enhancement Program. As my colleagues know, the MPS Enhancement Program would add an additional ship to each of three Marine Corps preposition squadrons. These ships would be loaded with an expeditionary airfield, two M1A1 tank companies, a fleet hospital, Navy mobile construction equipment, a command element package, and additional

statement. These assets will provide tremendous flexibility for crisis response and contingency operations.

Last year, under the leadership of the Senators from Alaska and Hawaii, the committee appropriated \$110 million for the first ship in the MPS Enhancement Program. This was an important statement of support for the preposition concept in general, and the Marine Corps program in particular. The Armed Services Committee has sustained the momentum on the MPS Enhancement Program by authorizing \$110 million in fiscal year 1996 for the second ship in the program.

In reviewing the legislation before us, I am unclear as to what the recommendation of the committee was with respect to the second MPS enhancement ship. I wonder if the Senators from Alaska and Hawaii could comment on this issue.

Mr. STEVENS. The Senator from New Hampshire is correct in his review of the legislative record on this issue. The Appropriations Committee did fund the first ship last year, and is supportive of the Marine Corps MPS Enhancement Program. At the time the committee marked up its legislation for fiscal year 1996, it was unclear whether the Navy was moving forward with the program established in the fiscal year 1995 authorization and appropriations bills. The committee was concerned over the lack of noticeable progress in acquiring and converting the first ship under the program. The committee was also confronted by some significant funding shortfalls in the shipbuilding and conversion accounts.

However, the committee did direct that the Secretary of Navy may obligate appropriations up to \$110 million for the procurement of a second MPS ship in fiscal year 1996.

Mr. INOUE. Let me assure the Senator from New Hampshire that the committee did carefully consider this matter. It is the view of Senator STEVENS and myself that the language in our legislation provides authority to move forward with the second ship in the MPS Enhancement Program. I expect this issue will be further explored during conference, as well.

Mr. SMITH. I thank the distinguished chairman and ranking member for their comments. I gather from their statements that the Appropriations Committee continues to support the Marine Corps Maritime Preposition Ship Enhancement Program, but is concerned over delays by the Navy in moving forward to implement the program established last year in the authorization and appropriations bills. Is it fair to say that if the Navy can convince the committee that their program is sound, and that they can demonstrate that they are fully exploring means to reduce overall program costs, such as multiple ship contracts, that the committee would be inclined to support a second ship in fiscal year 1996?

Mr. STEVENS. I think that is an accurate description.

Mr. INOUE. Yes. That is correct.

Mr. SMITH. I thank my colleagues for their comments, and fine work on this bill. I look forward to working with them on this important program.

Mr. BOND. Mr. President, I would like to discuss with the distinguished chairman of the Senate Appropriations Defense Subcommittee a matter of importance to our Army National Guard Forces.

Mr. STEVENS. I would be pleased to learn of my colleague's thoughts on this matter.

Mr. BOND. Chairman STEVENS, this year, as in the past, your subcommittee has demonstrated its continued commitment to insuring the Army National Guard remains adequately supplied with modern and effective combat equipment. Currently, the Army Guard is wrestling with how best to modernize its artillery inventory. A key component of this modernization plan is the upgrade of 51 battalions and 7 additional batteries with the M109A6 Paladin system. The initial cost estimates of this modernization effort are prohibitive.

I suggest an affordable alternative—one that is already endorsed by the Senate Armed Services Committee. I suggest that the Army develop an upgrade of the M109A5 currently in use by the Army National Guard, using components of the Paladin system. This upgrade would include digital and survivability enhancements which would significantly improve the combat performance of this weapon system. I would encourage the Department of the Army to evaluate this upgrade project and urge the committee to establish an M109A5 upgrade RDT&E program element with funds from the Paladin line to enable the Army to procure and evaluate a platoon of four M109A5 upgrade systems for use by the Army National Guard.

Mr. STEVENS. Mr. President, my colleague raises an excellent point. I understand that \$3,000,000 would be required by the Army to acquire and evaluate an M109A5 upgrade system. I will work in conference to make funds available for this program.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 2356, AS MODIFIED

Mr. STEVENS. I would call the attention of the clerk to amendment No. 2356. On page 1 of that amendment, on line 3 there is a "shall." I would like to strike "shall" and insert in lieu of that "may." This is a technical correction to amendment 2356.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 2356), as modified, is as follows:

On page 8, line 13, strike out "Act." and insert in lieu thereof "Act: *Provided further*, That of the funds provided under this heading, \$500,000 may be available for the Life Sciences Equipment Laboratory, Kelly Air Force Base, Texas, for work in support of the Joint Task Force—Full Accounting."

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

#### REGULATION OF TOBACCO

Mr. FORD. Mr. President, the President of the United States just held a press conference as it relates to the regulation of tobacco. I will make a few remarks in response to that.

The President's announcement today is very disappointing. After weeks of attempting to arrive at a solution with the White House, offering proposal after proposal, my farmers lost out to the zealots. We had agreed to almost everything the White House proposed, with ways to put teeth into that agreement. I know that, because I have been attempting to negotiate since day one. No one, to my knowledge, was attempting to block the President's position of reducing underage smoking. We were offering a fair and enforceable way to get there.

Mr. Kessler wanted a scalp on his belt, and the White House was determined to give it to him. Even Representative RON WYDEN of Oregon, a strong antitobacco advocate, asked the President to basically agree with our offer. The administration has chosen litigation over compromise, delay over action. The President has chosen a press conference instead of a negotiating conference. He has chosen a process that reaches his goals later rather than sooner.

I am not only disappointed, Mr. President, but I am hurt. My first thought was to be vindictive, use every means I have available to me—and there are several—to get back at the White House. But I have decided not to take that course. I will, however, try to seek out people of reason to help work through this problem.

I have never been one who thought it wise to appoint a person to your administration from another, especially if he or she was of a different party. Mr. Kessler is a carryover from the Bush administration, and I am not sure he is doing this administration any favors.

The President said he wants to work to pass legislation that would accom-

plish these goals. I will introduce such a bill when we return in September and believe it will be acceptable to the White House. The FDA is so far behind now in making important decisions and with the attempt to acquire additional work, I believe the people of this country will be ill-served to a much greater degree by this decision.

Mr. President, I have five grandchildren. Three of those grandchildren are teenagers. None of my grandchildren smoke, thanks to their parents, because they have seen to it that they did not.

I am not advocating teenage smoking. All I am trying to do here is to put into place an agreement with the White House so that we may proceed and do those things that are necessary, because today suits have been filed all over the country as it relates to the proposed regulations. So now we have confrontation where we could have had an agreement. I am very hopeful that when we come back in September, those who are reasonable and fair will join with me in accomplishing the purpose of reducing or eliminating smoking among teenagers and do it in a very fast and appropriate manner.

I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996

The Senate continued with the consideration of the bill.

#### AMENDMENT NO. 2390

(Purpose: To meet the highest priority of the Secretary of Defense for additional funding, namely, funding for ongoing operations in Iraq, Cuba, and Bosnia, and to save \$111,900,000 for the taxpayers by postponing procurement of the LHD-7)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. LAUTENBERG, Mr. EXON, and Mr. KERREY, proposes an amendment numbered 2390.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 81, strike out lines 16 through 23, and insert in lieu thereof the following:

SEC. 8082. (a) In addition to the amounts appropriated in title I for military personnel, funds are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, for purposes and in amounts as follows:

(1) For military personnel, Army, an additional amount of \$9,800,000.

(2) For military personnel, Navy, an additional amount of \$39,400,000.

(3) For military personnel, Marine Corps, an additional amount of \$6,000,000.

(4) For military personnel, Air Force, an additional amount of \$61,200,000.

(5) For reserve personnel, Navy, an additional amount of \$2,700,000.

(b) In addition to the amounts appropriated in title II for operation and maintenance, funds are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, for purposes and in amounts as follows:

(1) For operation and maintenance, Army, an additional amount of \$171,300,000.

(2) For operation and maintenance, Navy, an additional amount of \$210,400,000.

(3) For operation and maintenance, Marine Corps, an additional amount of \$8,000,000.

(4) For operation and maintenance, Air Force, an additional amount of \$645,100,000.

(5) For operation and maintenance, Defense-wide, an additional amount of \$25,800,000.

(6) For operation and maintenance, Navy Reserve, an additional amount of \$1,000,000.

(c) In addition to the amount appropriated in title VI under the heading "DEFENSE HEALTH PROGRAM", funds are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, for expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, an additional sum in the amount of \$7,400,000 for operation and maintenance.

(d)(1) The total amount appropriated in title III under the heading "SHIPBUILDING AND CONVERSION, NAVY" is hereby reduced by \$1,300,000,000.

(2) None of the funds appropriated in title III under the heading "SHIPBUILDING AND CONVERSION, NAVY" may be obligated or expended for the LHD-1 amphibious assault ship program.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the amendment reflect that Mr. LAUTENBERG, Mr. EXON, and Mr. KERREY from Nebraska are listed as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, this amendment does several things. Let me describe what those are. It provides over a billion dollars—in fact, \$1.63 billion—for ongoing military operations which the Secretary of Defense stated was his highest priority for funding if we were able to find any additional funds to use this year in addition to the President's requested budget. It does so by striking the expenditures in the bill by \$1.3 billion for the LHD-7 amphibious assault ship. It also, Mr. President, strikes two other provisions of the bill, which I think need to be stricken, and which I will explain as I go forward.

Mr. President, prior to the Armed Services Committee markup of the bill, we had a breakfast in the Armed Services Committee with Secretary Perry and General Shalikashvili to discuss what the needs of the Department of Defense were. The Secretary at that time told the committee that he would need \$1.188 billion in fiscal year 1996 to fund ongoing operations in Iraq—on